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DEPARTMENT OF TRANSPORTATION
UNITED STATES COAST GUARD

MAILING ADDRESS:
U.S. COAST GUARD (G-MP-3/MSM)
WASHINGTON, D.C. 20590
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contin

9354

COMDTNOTE 16000
17 APR 1979

COMMANDANT NOTICE 16000 CANCELLED: 30 September 1979

Subj: CH-3 to Volume VI - PORTS AND WATERWAYS ACTIVITIES of the Marine Safety Manual (CG-495)

1. PURPOSE. This notice provides a change to Volume VI - PORTS AND WATERWAYS ACTIVITIES of the Marine Safety Manual (CG-495) by deleting from subpart 80-8-10 (Alternate Stowage Procedures) the requirement for COTP's to forward one copy of the authorization for alternate stowage to Commandant (G-WLE-1/73), and by deleting subpart 80-11-1 (Vessel Sewage Reception Facilities At Marinas) from the Manual.

2. DISCUSSION. The deletion of subpart 80-11-1 of the Manual follows COMDTNOTE 16455 of 13 February 1979, which terminated the use of Coast Guard personnel in routine inspections of vessel sewage reception facilities at certain marinas.

3. ACTION.

a. Remove and insert the following pages:

REMOVE	INSERT
80-11:1 through 80-11:3, CH-2	80-11:1 (To be developed), CH-3

b. Make the following pen-and-ink corrections:

(1) On page 80-0:2, Table of Contents, delete "80-11-1 (Vessel Sewage Reception Facilities at Marinas)".

(2) On page 80-8:1, subpart 80-8-10, delete the requirement "One copy of the authorization shall be forwarded to Commandant (G-WLE-1/73)."

DISTRIBUTION - SDL No. 108

	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
A									1	1	1	1														
B		3	15		2		2	2		5				200	1	1	2	1								
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NON-STANDARD DISTRIBUTION: See page 2.

3.c. Make an appropriate entry on the "Record of Changes" page which has been inserted in the front of the volume.

4. CHANGES. Recommendations for improvement of the Marine Safety Manual should be submitted on Form CG-5122 which has been supplied with the Manual.

F. P. SCHUBERT
Acting Chief, Office of Marine Environment and Systems

Encl: (1) CH-3 to Volume VI, CG-495

Non-Standard Distribution:

C: e San Francisco (60); Baltimore, Port Arthur (40); Hampton Roads (36); Mobile (26); Boston, Corpus Christi, Portland, OR, Galveston, Valdez (20); Jacksonville, San Diego (18); Honolulu, Portland, ME (16); San Juan, Tampa, Cleveland, Detroit (14); Charleston (13); St. Louis, Duluth, Toledo (12); Providence, Huntington, Pittsburgh, Wilmington, Savannah, Buffalo, Juneau, Anchorage, (10); Louisville, Memphis, Paducah, Guam, Minneapolis-St. Paul (8); Cincinnati, Nashville, Albany (6).
C: m New Orleans (120); New York (65); Seattle (32); Philadelphia (28); Los Angeles-Long Beach (25); Chicago (20); Houston (18); Miami (12); St. Ignace (8); Rotterdam (6).
D: k New York (3); New Orleans, Houston, San Francisco (1) (extra)
D: l (Naval War College Advisor only)(1).
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Panama Canal Zone Liaison Officer (1).

MARINE SAFETY MANUAL (CG-495)

PART 80–11—MARINAS

(To be developed)

934-A T.D 5.8:Sa1/2/v.6/ch.5
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DEPARTMENT OF TRANSPORTATION
UNITED STATES COAST GUARD

MAILING ADDRESS:
U.S. COAST GUARD (G-MP-5)
WASHINGTON, D.C. 20590
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COMDTNOTE 16000
20 MAR 1980

COMMANDANT NOTICE 16000

CANCELLED: 20 SEP 1980

9354

Subj: CH-5 to Volume VI - PORTS AND WATERWAYS ACTIVITIES of the Marine Safety Manual (COMDTINST M16000.3 (old CG-495))

1. PURPOSE. This Notice changes Volume VI - PORTS AND WATERWAYS ACTIVITIES of the Marine Safety Manual, by revising parts 80-1, 80-8, 81-3, 81-4, 86-1, 86-4, and 87-5 to the volume.

2. DIRECTIVES AFFECTED. COMDTINST 16465.15 is hereby cancelled.

3. SUMMARY OF CHANGES.

   a. Part 80-1 is revised to reflect additional areas of regulation enforcement by the COTP.

   b. A new section 80-8-20D states current policy in regulating hot work at coal, grain and shipyard waterfront facilities.

   c. Section 81-3-30C is revised to clarify the use of safety zones as vessel management tools.

   d. A sentence referring readers to part 80-4 has been added to subpart 81-1-1.

   e. Section 81-4-10A is revised to correct an inaccurate reference to COMDTINST 16630.1, and by deleting the words "of 1972" in the reference to the Ports and Waterways Safety Act.

   f. Subpart 86-1-1 is revised to reflect additional responsibilities and liabilities which may result when a captain of the port takes certain actions.

   g. Parts 86-4-1 and 86-4-10 are revised to incorporate the contents of COMDTINST 16465.15, subj: Implementation of the Hazard Assessment Computer System (HACS).

DISTRIBUTION - SDL No. 110

	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
A									1	1	1	1														
B		4	15		2		2	2		5				200	1	1	2	1								
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G																										
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NON-STANDARD DISTRIBUTION: (See page 3)

3. h. A new subpart 87-5-15 provides policy guidance for Coast Guard involvement in labor disputes affecting marine transportation.

4. ACTION.

a. Remove and insert the following pages:

Remove	Insert
80-1:1 through 80-1:2	80-1:1 through 80-1:1, CH-5
80-8:1 through 80-8:3	80-8:1 through 80-8:3, CH-5
81-1:1 through 81-1:2	81-1:1 through 81-1:2, CH-5
81-3:1 through 81-3:3	81-3:1 through 81-3:4, CH-5
81-4:1 through 81-4:2	81-4:1 through 81-4:2, CH-5
86-1:1	86-1:1, CH-5
86-4:1 through 86-4:2	86-4:1 through 86-4:4, CH-5
87-5:1	87-5:1 through 87-5:3, CH-5

b. Make the following pen-and-ink entry:

Chapter 87 Table of Contents, page 87-0:1, add:

"87-5-15 Coast Guard Involvement in Labor Disputes Affecting Marine Transportation"

c. Make an appropriate entry on the "Record of Changes" page at the front of the volume.

5. CHANGES. Feedback from field units plays a significant role in improving the quality and effectiveness of the Marine Safety Manual. Recommendations for improvement should be made on Form CG-5122 which has been supplied with the manual.

W. E. Caldwell

W. E. CALDWELL
Chief, Office of Marine
Environment and Systems

Encl: (1) CH-5 to Volume VI, COMDTINST M16000.3

COMDTNOTE 16000

20 MAR 1980

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D:l (Naval War College Advisor only) (1).

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Panama Canal Zone Liaison Officer (1).
Department of Justice, Torts Branch (Washington, D.C., New York, and San Francisco only) (1).

PART 80–1—PORTS AND WATERWAYS SAFETY—GENERAL

▼80–1–1. SCOPE OF ENFORCEMENT AND/OR REGULATORY ACTIVITIES

The captain of the port administers the multimission Port Safety and Security (PSS) Program by enforcing the following laws and regulations:

- Safeguarding of vessels, harbors, ports and waterfront facilities of the United States (Magnuson Act, 50 U.S.C. 191; E.O. 10173, as amended; 33 CFR 6, 121, 122, 125 and 127);

- Carriage of explosives or other dangerous articles on vessels (46 U.S.C. 170; 49 U.S.C. 1801 *et seq*; 49 CFR 170-177);

- Vessels having flammable or combustible liquids in bulk (46 U.S.C. 39la; 46 CFR 30–39);

- Inspection of foreign vessels of novel design or construction, or whose operation involves potentially unusual risks (46 U.S.C. 170, 362, 39la; 46 CFR 2.01-13);

- Establishment of anchorage grounds and special anchorage areas for vessels in all harbors, rivers, bays and other navigable waters of the United States (33 U.S.C. 471, 180, 258, 322; 33 CFR 110);

- Load line provisions for vessels making domestic and foreign voyages (46 U.S.C. 86, 88; 46 CFR 42–46);

- Prevention of pollution of the sea by oil (33 U.S.C. 1001-1015; 33 CFR 151);

- Federal Water Pollution Control Act, as amended (33 U.S.C. 1251-1376);

- Prevention of deposits of refuse in navigable waters of the United States (33 U.S.C. 407);

- Preventing damage to, or the destruction or loss of any vessel, bridge, or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to those waters; and protection of the navigable waters and the resources therein from environmental harm resulting from vessel or structure damage, destruction or loss (Ports and Waterways Safety Act, 33 U.S.C. 1221 *et seq*);

- Handling of explosives or other dangerous cargoes within or contiguous to waterfront facilities (33 U.S.C. 1221, 33 CFR 126);

- Regulated navigation areas (33 U.S.C. 1221, 33 CFR 128);

- Orders and directions of the captain of the port and district commander (33 U.S.C. 1221, 33 CFR 160);

- Vessel Traffic Management (33 U.S.C. 1221, 33 CFR 161);

- Navigation Safety Regulations (33 U.S.C. 1221, 33 CFR 164);

- Safety zones for protection of vessels, structures, water and shore areas (33 U.S.C. 1221, 33 CFR 165);

- Conducting inquiries, examinations, inspections, searches, seizures and arrests upon the high seas and waters over which the United States has jurisdiction, for the prevention, detection and suppression of violations of laws of the United States (14 U.S.C. 89);

- Cooperation with any Federal agency, state, territory, possession, or political subdivision thereof, or the District of Columbia (14 U.S.C. 141); and

- Rendering aid to distressed persons, vessels and aircraft on the high seas and waters over which the United States has jurisdiction (14 U.S.C. 88).

▼80–1–5. BACKGROUND

The port safety program had its inception in a 1917 act (40 STAT. 220; 50 U.S.C. 191) from the need to control our port areas in time of war. This Espionage Act authorized the President by Proclamation or Executive Order to declare a "national emergency" thereby instituting security programs deemed necessary by various Federal agencies. A national emergency was again declared by Presidential Proclamation No. 2914 in 1950 (64 STAT. 454). However, the original 1917 act (lst paragraph of 50 U.S.C. 191) is considered to have been repealed by the National Emergencies Act (50 U.S.C. 1601 *et seq*)

In 1950, the act was amended (64 STAT. 427) by what is commonly referred to as the Magnuson Act (codified at 50 U.S.C. 191, third paragraph). This amendment authorizes the President to invoke port security measures by declaring that the "security" of the U.S. is endangered. This was accomplished by Executive Order 10173, which is still in effect and has not been disturbed by the National Emergencies Act. In other words, all of 50 U.S.C. 191, with the exception of the first paragraph, remains valid.

It is important to remember that the Magnuson Act provides authority for the security of ports against subversive activities, accidents, or other destructive causes of a similar nature. In exercising authority to provide for the security of the port once the President has declared U.S. security to be endangered, the Coast Guard has issued regulations which perforce provide a degree of safety, and which remain in effect (33 CFR 6.12, 6.14, 126). This is the authority, prior to the enactment of the Ports and Waterways Safety Act in 1972, by which the Coast Guard has been able to do such things as controlling vessel movements, anchorage areas, and pier areas, and establishing security zones.

Title I of the Ports and Waterways Safety Act of 1972 (PWSA) (33 U.S.C. 1221 *et seq*) was not only enacted to provide "Magnuson Act" authority should the President reverse his concern over "security" of U.S. ports but also to provide broad authority in the area of port safety. The PWSA does not provide for personnel-screening programs nor for emergency security powers, but does provide for the protection and safe use of the port as a transportation facility and for protection against the degradation of the marine environment. It specifically provides for the establishment, operation and maintenance of vessel traffic services; control and movement of vessels, establishment of vessel operation conditions and a host of generally and specifically related port safety controls.

On 25 October 1977, the authority for the regulations contained in 33 CFR part 126 was amended. This change now makes violations of the waterfront facility regulations subject to the civil and criminal penalties of the Ports and Waterways Safety Act (33 U.S.C. 1232). Further guidance is provided in subpart 36-1-20 of this manual.

In October 1978, the PWSA was significantly amended by Section 2 of the Port and Tanker Safety Act (92 STAT. 1471).

PART 80–8—CAPTAIN OF THE PORT PERMITS

80–8–1. GENERAL PERMITS FOR HANDLING DANGEROUS ARTICLES OR SUBSTANCES

The general permit, mentioned in 33 CFR 126.27, for handling dangerous articles or substances at designated waterfront facilities, is not an actual document that can be produced in "hard copy" form; rather, it is an authorization granted by regulation conditional upon the observance and fulfillment of applicable safety regulations. The conditions set forth in 33 CFR 126.15 must be strictly observed at all times.

Regulations regarding the issuance and termination or supervision of general permits are found in title 33 CFR part 126.

80–8–5. PERMIT TO HANDLE EXPLOSIVES AND OTHER DANGEROUS CARGOES

Form CG-4620, Application and Permit to Handle Explosives or Other Dangerous Cargo, is required in the following instances:

A. *Facilities*

(1) Whenever "designated dangerous cargo" (commercial and military class A explosives) are handled, loaded, discharged or transported on a facility. Refer to 33 CFR 126.17 through 126.25.

B. *Vessels*

(1) Whenever shipments of military explosives and/or military lethal chemicals, other than material described as Coast Guard Class 1, are handled, stowed, stored, loaded or discharged from a vessel. Refer to 46 CFR 146.29–13 and 146.29–15.

(2) Whenever commercial Class A explosives are discharged from, loaded on, handled, or re-stowed on board a vessel. Refer to 49 CFR 176.100.

(3) Whenever nitro carbo nitrates and certain ammonium nitrates are loaded on or discharged from a vessel. Refer to 49 CFR 176.415.

One application and permit may be used to cover the same transaction for both the facility and vessel. A permit is required for each new transaction. The application and permit may also be utilized when the captain of the port exercises the provisions of 33 CFR 126.29.

80–8–10. ALTERNATE STOWAGE PROCEDURES

Captains of the port are authorized to permit, in writing, alternate stowage locations, and methods of handling or stowage of packaged hazardous materials under certain specified conditions (49 CFR 176.65). When captains of the port use the provisions of 49 CFR 176.65 the following procedures apply:

- The written authorization shall be signed by the COTP or his designated alternate.

- The original copy of the authorization shall be retained by the vessel and kept aboard with the dangerous cargo manifest as long as the alternative stowage or authorized deviation exists.

- Route information shall be obtained by the captain of the port, and if the subsequent ports of call are in the United States, the District of Columbia, Puerto Rico, the territories and possessions of the United States, or the Trust Territory of the Pacific Islands, the COTP authorizing the transaction shall forward a copy of the authorization to the cognizant Coast Guard authority. If the vessel is likely to arrive at the next port of call before the written authorization arrives, initial notification shall be made by message or telephone.

80–8–15. DEVIATION FROM RULES CONTAINED IN 33 CFR 164

(To be developed.)

80–8–20. HOT-WORK PERMITS

Form CG-4201, Welding and Hot-Work Permit, is required in the following instances:

- For facilities and vessels moored thereto during the handling, storing, stowing, loading, discharging, or transporting of dangerous cargoes. Refer to 33 CFR 126.15(c).

- For vessels having military explosives on board as cargo. Refer to 46 CFR 146.02–20.

- For vessels having explosives or other hazardous materials on board as cargo. Refer to 49 CFR 176.54.

Title 33 CFR 126.15(c) indicates that hot-work is prohibited at waterfront facilities or on vessels moored thereto during the handling, storing, loading, discharging or transporting of explosives. However, 46 CFR 146.02–20 and 49 CFR 176.54 both provide authority to the captain of the port to permit hot-work aboard vessels where explosives are present. The regulation at 33 CFR 126.15(c) will be revised in the near future and current philosophy is to bring 33 CFR 126 into conformity with the aforementioned regulations in titles 46 and 49. Therefore, the captain of the port may issue a hot-work permit where explosives are involved provided he is satisfied that the operation can be conducted safely.

80–8–20A. FACILITY PERMITS

Facility permits may be issued for a single operation or for a specified period of time, at the discretion of the captain of the port. In the case of a continuing permit, the COTP shall require the holder of the permit to notify the captain of the port whenever hot-work is scheduled. The permittee shall also be required to provide the following types of information:

- Types of dangerous cargoes presently on the facility;

- Proximity of dangerous cargoes to the site of the operation; and

- Expected duration of the operation.

80–8–20B. VESSELS

Vessel permits may be issued for a single operation only. Such a permit may not be issued for a period greater than 30 days.

80–8–20C. GENERAL

Hot-work permits shall be issued to a ship's officer or to the facility owner or operator only. Permits may not be issued to contractors who will be performing the work. It is the responsibility of the permittee to insure that all requirements specified in the permit are complied with by contracted workers.

Holding a Coast Guard hot-work permit does not constitute final authority for a hot-work operation unless all other applicable laws and regulations are met. The permittee must insure that all other Federal, state and local regulations are adhered to. An example would be the requirements of 46 CFR 30.01–10 and 35.01–1, which require inspection and testing aboard tank vessels before repairs or alterations may be made.

▼ *80–8–20D. REGULATION OF HOT WORK AT COAL, GRAIN AND SHIPYARD WATERFRONT FACILITIES.*

Shipyards, coal and grain facilities generally do not handle or store, or have vessels loading or discharging, explosives, flammable or combustible liquids in bulk or other dangerous articles or cargo as defined in 33 CFR 126.05, and thus generally are not designated waterfront facilities under 33 CFR 126. How-

ever, *any* facility which does engage in such activity shall be treated as a designated waterfront facility subject to 33 CFR 126 during periods of time when such activities occur.

Even when dangerous cargoes are not present, the captain of the port may take action with respect to vessels at those facilities under 33 CFR 6, and 33 CFR 160. Such actions should take the form of captain of the port orders or directions, preferably under 33 CFR 160, but should not take the form of hot work permits since the hot work permit procedures are inapplicable to these facilities except when dangerous cargo is present.

46 CFR 35.01–1 and 49 CFR 176.54 provide a means of regulating hot work on board certain specific vessels at waterfront facilities and elsewhere. Under these regulations, permits would be issued to the vessel rather than to the facility.

80–8–25. ANCHORAGE PERMITS

The Anchorage Regulations contained in 33 CFR part 110 specify when and under what conditions the captain of the port may issue an extended anchorage permit. Before issuing a permit the captain of the port should consider congestion and traffic conditions to avoid creating a dangerous situation for vessels transiting the vicinity. Requests for extended Anchorage Permits must be considered on the merits of each particular case. (See 80–3 for additional information concerning anchorages.)

80–8–30. REPORTS

Unless specifically addressed herein, copies of permits need not be forwarded to the Commandant. The district commander may establish local reporting requirements at his discretion.

PART 81–1—VESSEL TRAFFIC MANAGEMENT—GENERAL

▼81–1–1. DISCUSSION AND AUTHORITY

Vessel traffic management encompasses every measure applied to affect and improve the relationship of vessels with respect to each other and to known hazards or hazardous circumstances. Title I of the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1221 *et seq.*) provides the basic authority for the Coast Guard to perform vessel traffic management functions. The act prescribes measures that may be taken to:

- Prevent damage to, or the destruction or loss of, any vessel, bridge or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to these waters; and,

- Protect the navigable waters and resources therein from environmental harm resulting from vessel or structure damage, destruction or loss.

These measures include:

A. Establishing, operating, and maintaining vessel traffic services and systems for ports, harbors, and other waters subject to congested traffic;

B. Requiring vessels which operate in the area of a vessel traffic service or system to utilize or comply with that service or system, including the carrying or installation of electronic or other devices necessary for the use of the service or system;

C. Controlling vessel traffic in areas which are determined to be especially hazardous or under conditions of reduced visibility, adverse weather, vessel congestion, or other hazardous circumstances by:

(1) Specifying times of entry, movement, or departure to, from, within, or through ports, harbors, or other waters;

(2) Establishing vessel traffic routing schemes;

(3) Establishing vessel size and speed limitations and vessel operating conditions; and

(4) Restricting vessel operations in a hazardous area or under hazardous conditions, to vessels which have particular operating characteristics and capabilities considered necessary for safe operation under the circumstances; and,

D. Directing the anchoring, mooring, or movement of a vessel when necessary to prevent damage to or by that vessel or her cargo, stores, supplies, or fuel.

Part 80–4 of this manual provides guidance on implementing vessel movement control procedures.

81–1–5. OBJECTIVES

Vessel traffic management can take many forms and seeks to establish two principles: *good order* and *predictability*. The objectives served by these principles are:

A. Reduction of collisions, rammings and groundings and ensuing environmental harm.

B. Facilitation of vessel traffic movement.

C. Provision for all-weather navigation capability in certain areas.

D. Reduction of fire, explosion and pollution casualties, and the probability of a port or waterway catastrophe.

81–1–10. MANAGEMENT CONCEPTS

81–1–10A. PASSIVE CONCEPTS

The "rules of the road" are statutory and regulatory measures that must be practiced by vessels, in order to prevent collisions. Another form of traffic management is routing, one element of which may be a traffic separation scheme, which is a network of one-way traffic lanes, and the other element, separation lines or separation zones, designed to physically separate vessel traffic proceeding in opposite or nearly opposite directions. Additionally, depending upon the individual configuration of a port or waterway and the complexity of its vessel traffic patterns, other regulations may be established to further affect vessel movements, such as speed limits, limitations on vessel size, and the restriction of vessel operation to vessels that have particular operating characteristics and capabilities. Each of these forms of traffic management can be very cost-effective in reducing vessel casualties, in that government equipment and personnel are not required except in the administration and enforcement of the laws and regulations.

81–1–10B. ACTIVE CONCEPTS

It has been recognized throughout the world, through detailed vessel casualty analysis, that passive vessel traffic management is not sufficient to prevent some serious vessel casualties. When personnel not on board a vessel become involved in its operation, either directly or indirectly, vessel traffic management becomes active. Such is the case when a vessel traffic service (VTS) is established.

An active role in vessel traffic management presupposes the operation of equipment and personnel that have sufficient capability to fulfill that role. In the United States, the situation is viewed from the perspective of providing user services: that is, providing services to the master of a vessel, generally furnishing him with information critical to the safe navigation of his vessel that he would not normally be able to obtain readily on his own. It remains, as in the past, the ultimate responsibility of the master to control the movements of the vessel, after correlating all available information, to insure its safe passage.

PART 81–3—VESSEL TRAFFIC MANAGEMENT TOOLS

81–3–1. AIDS TO NAVIGATION

The aids-to-navigation mission of the Coast Guard is essentially a two-faceted one. The audio-visual program serves to facilitate the safe and expeditious passage of marine traffic in coastal areas, inland waterways, and harbors, in order to enhance the utility of national waterways for commercial, recreational, public, and private users. The radio aids program serves marine and air traffic by providing a continuous, all-weather position-fixing capability.

81–3–1A. AUTHORITY

The basic statutory authority for the aids-to-navigation mission is contained in 14 U.S.C. 2, 81, and 83.

81–3–1B. ESTABLISHMENT OF AIDS

The establishment, maintenance and operation of maritime aids to navigation to serve the needs of commerce of the United States may be authorized by the Commandant to mark the navigable waters of the United States, the waters above the Continental Shelf, U.S. territories and possessions, and the Trust Territories of the Pacific Islands.

81–3–1C. CRITERIA

Any aid to navigation to be established, maintained, and operated by the Coast Guard to serve the needs of commerce must be necessary for the safety of navigation, useful for commerce of a substantial and permanent character, and must be justified in terms of public benefit to be derived therefrom.

81–3–5. PRIVATE AIDS TO NAVIGATION

Private aids to navigation include both those which are legally required and those which are merely desired for one reason or another by the owner. District commander staff personnel who receive applications for private aids review them for completeness and assign the aid one of the following classifications:

Class I: Aids to navigation on marine structures or other works which the owners are legally obligated to establish, maintain and operate as prescribed by the Coast Guard. This obligation is contained in the provisions of 33 CFR 66 and 67.

Class II: Aids to navigation exclusive of Class I located in waters used by general navigation.

Class III: Aids to navigation exclusive of Class I not ordinarily used by general navigation.

Applications to establish, maintain, or discontinue aids, and applications to change or transfer ownership of a private aid to navigation, shall be made to the commander of the Coast Guard district in which the private aid to navigation is or will be located. Form CG-2554, Private Aids to Navigation Application, shall be used in these instances. Instructions for completing the form are found on its reverse side. The *Aids to Navigation Manual—Administration* (CG-222–1) should be consulted for current information on the administration of private aids to navigation.

81–3–10. COTP AND OCMI PARTICIPATION

Although the COTP and OCMI are not charged specifically with aids-to-navigation responsibilities within their cognizant area/zones, they are, however, in an ideal position to receive, evaluate, and disseminate pertinent information to appropriate aids-to-navigation personnel. Since aids to navigation play a great part in marine safety, it is important that the COTP and OCMI maintain an effective relationship with the cognizant district aids-to-navigation branch. The COTP and OCMI, likewise, should be apprised of proposed changes in aids to navigation for purposes of information and for any

possible input. Marine safety personnel are frequently in contact with the users of the aids to navigation and receive comments and suggestions from them. Applicable comments that the users may have concerning the location or operation of any aids in the area should be forwarded to the district aids-to-navigation branch via the appropriate chain of command. The COTP and OCMI should encourage Coast Guard personnel under their jurisdiction to transit the area with the users, under varying conditions, whenever practicable. This not only provides insight into the aids system, but also provides an excellent opportunity for familiarization of the area and thus broadens one's outlook in the field of marine safety.

81–3–15. AIDS-TO-NAVIGATION DISCREPANCIES

81–3–15A. DISCREPANCIES REPORTED TO COTP OR OCMI

Largely due to the close association with marine interests, many aids-to-navigation discrepancies are reported to the COTP or OCMI. Upon notification of a discrepancy an immediate attempt should be made to ascertain from the person reporting, any and all information, including but not limited to, how far and in what direction buoys may be off station, what components have been damaged on buoys or structures, what signals or features are either improper or inoperative together with a description of current signal or status, the cause of the malfunction or improper stationing of the buoy, the on-scene weather, hazardous conditions created, the name of the person and/or vessel reporting, the identity, if known, of the party causing the damage and any other pertinent details.

81–3–15B. REPORTING DISCREPANCIES TO DISTRICT COMMANDER

Discrepency information should be immediately relayed to the district duty officer. Since certain aids to navigation are more critical than others, it is not expected that immediate action be taken to correct all discrepancies. Discrepancy response levels have been established and certain variables are considered by the district and the unit responsible for corrections when assigning urgency categories or ordering a unit to correct the discrepancy. District commanders should insure that information relating to discrepancies is promptly and accurately disseminated through broadcasts and/or the Local Notice to Mariners.

81–3–20. RULES OF THE ROAD

The rules and regulations commonly referred to as the "rules of the road" have the primary purpose of preventing collisions between vessels. International, Inland, Great Lakes and Western Rivers Rules are found in title 33, U.S. Code; the Pilot Rules for Inland, Great Lakes, and Western Rivers Rules are contained in title 33, Code of Federal Regulations. The international rules are contained in Appendix A to Subchapter DD. Enforcement authority for these rules and regulations is vested in the Coast Guard. With respect to the international rules, enforcement authority is currently limited to actions pursuant to section 4450 of the Revised Statutes of the United States. (46 U.S.C. 239.)

These "rules of the road," combined with aids to navigation, constitute the most basic form of traffic management. No VTS regulation will be proposed or written that would contravene, or relieve any person from compliance with these rules of the road.

81–3–25. VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE ACT

The purpose of the "Vessel Bridge-to-Bridge Radiotelephone Act" (33 U.S.C. 1201 *et seq.*) is to provide a positive means whereby operators of approaching vessels can communicate their intentions to one another through voice radio. Vessel bridge-to-bridge radiotelephone regulations are contained in 33 CFR 26.

Regulations necessary to specify operating and technical conditions and characteristics including fre-

quencies, mission, and power of radiotelephone equipment required under this act, are prescribed by the Federal Communications Commission. FCC regulations pertaining to this act are found in 47 CFR 81 and 83. Regulations for the enforcement of this act are to be prescribed by the Secretary of the Department in which the Coast Guard operates.

VHF-FM channel 13 (156.65 MHZ) has been designated as the vessel bridge-to-bridge radiotelephone frequency (33 CFR 26.04). Coast Guard shore units, with the exception of those providing vessel traffic services, are not generally permitted to use this frequency. Authorization to use VHF-FM channel 13 (156.65 MHZ) by shore units must be obtained from Commandant (G-W). Justification for use of this frequency must be complete and compelling since authorization will not normally be granted.

See CG-429, *Bridge to Bridge Radiotelephone Communications*, for information concerning the related laws and regulations.

81–3–30. VESSEL TRAFFIC (SHIPS') ROUTING SYSTEMS

81–3–30A. ROUTING MEASURES

Ships' routing is a complex of measures concerning routes aimed at reducing the risk of casualties. It includes traffic separation schemes, two-way routes, tracks, areas to be avoided, inshore traffic zones and deepwater routes. The Intergovernmental Maritime Consultative Organization (IMCO), is recognized as the only international body responsible for establishing and recommending measures on an international level concerning ships' routing. The IMCO publication *Ships' Routing* contains definitions, symbols and guidance for establishing routing measures. Ships' routing measures within the navigable waters of the United States are established through the regulatory process. All proposed routing measures, whether in international or inland waters, must be submitted to Commandant (G-W) for review and approval.

81–3–30B. REGULATED NAVIGATION AREAS

A Regulated Navigation Area (RNA) is a water area within defined boundaries for which regulations have been established under authority of the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1221 *et seq.*) to minimize hazards to marine safety and the environment. The regulations concerning establishment procedures, Regulated Navigation Area, and the mooring of barges on the Mississippi River, are contained in 33 CFR part 128.

Regulated Navigation Areas (RNA's) are considered to be one of the highest levels of passive traffic management available. They are instituted only in inland waters and are permanent in nature. Establishment of an RNA permits vessel access when specific operating criteria are met.

▼*81–3–30C. SAFETY ZONES*

While it is not truly a vessel traffic routing system, a safety zone can be a traffic management tool. Safety zones are areas within defined boundaries for which restrictions have been established under authority of the Port and Waterways Safety Act (33 U.S.C. 1221 *et seq*) to protect vessels, structures, and water and shore areas. Safety zones are to be used in situations beyond the scope of normal safety procedures and are established on a temporary basis, usually for emergent conditions. However, safety zones may, if necessary, be established for indefinite periods. Zones may be established by the Commandant, district commander or captain of the port.

In employing this tool, one should keep in mind that the primary purpose of the zone is to limit or control *access* to an area, and not to define how a vessel should *operate* within a given area. Persons desiring to enter a zone must have permission; vessels or objects cannot be brought into the zone without permission; nor may persons, vessels, or objects stay in a zone without permission. All of these powers deal with controlling access. A safety zone is useful as a traffic management tool only insofar as persons

or vessels remaining within the zone must comply with orders and directions of the COTP/district commander. Such orders or directions *may* include operating conditions for vessels.

Safety zones are described in 33 CFR 165. Part 80–9 of this manual has detailed descriptions of safety zones and other forms of limited access areas.

PART 81-4—VTS OPERATIONAL CONTROL POLICY

81-4-1. GENERAL

The expressed intent of the Ports and Waterways Safety Act of 1972 is the prevention of damage, destruction or loss to vessels or bridges or structures and the protection of the navigable waters from resultant environmental harm. Therefore, a basic principle in the operation of any vessel traffic service established under this act is that necessary action be taken to prevent collisions, rammings, and groundings, within the capability of the system. Should a watch supervisor perceive a certain set of circumstances which constitute a situation that may result in a vessel casualty, he is authorized and required to take whatever action he deems necessary to prevent that casualty. Generally, his actions will involve a timely exchange of advice and information with the master, pilot or other person in charge of each vessel. Nevertheless, if in his opinion it is necessary, the watch supervisor will issue orders directing the movement of the vessel or vessels involved. Even then, this does not lessen the responsibility of the master or pilot for safe navigation and prudent maneuvering of his vessel. The master or pilot may choose to disregard an order under the provisions of 33 CFR 161.111, which reads:

> In an emergency, any person may deviate from any section in this subpart to the extent necessary to avoid endangering persons, property, or the environment.

However, he must then report his actions to the vessel traffic center (VTC) in accordance with 33 CFR 161.134, which reads:

> Whenever the master of a vessel deviates from any section in this subpart because of any emergency or radio failure, he shall report, or cause to be reported, the deviation to the VTC as soon as possible.

81-4-5. VTS OPERATING PROCEDURES

A. The operating procedures for an individual VTS are submitted to the Commandant (G-W) for approval. VTS rules and regulations are written at Headquarters and evolve from the operating procedures. Any change to VTS operating procedures must be submitted to the Commandant for review and approval prior to implementation.

B. The VTS/VTC shall enforce operating procedures established by competent authority (i.e. Federal regulations, district commander or COTP orders, VTC orders). Any apparent conflict in the promulgation of operating procedures will be resolved by the district commander or the Commandant.

C. The VTC is directly responsible for the safe movement of vessels in the VTS area.

D. The VTC shall maintain direct operational communications and control of every vessel required to participate in the VTS area.

▼81-4-10. COTP/VTS OPERATIONAL CONTROL AUTHORITY

A. Section 80-4-1B of this manual prescribes the parameters to be considered by district commanders and captains of the port in exercising authority for the direction and control of vessel traffic during hazardous circumstances under regulations promulgated pursuant to Title I of the Ports and Waterways Safety Act.

B. Restrictions and controls instituted for individual vessel movement during emergency or temporary situations, in areas where a vessel traffic service has been established should, when practical, be coordinated through that service.

C. The VTC shall, without delay, effectuate the operational directions of the COTP to vessels in the COTP area, when such orders are consistent with the overall immediate operational situation in the VTS area. If, in the opinion of the VTC, such orders cannot be safely carried out, the VTC shall immedi-

ately inform the COTP. Final determination is vested within the authority of the COTP.

D. Any movement order, given by any Coast Guard unit to a vessel, is subject to the established Federal regulations for the VTS area.

E. No guidelines should be developed that would impair the ability of a VTS watch supervisor to take whatever immediate action may be necessary to prevent an imminent marine casualty.

F. The primary responsibility and function of a vessel traffic service (VTS) is vessel traffic management. Other functions and capabilities may be developed, such as SAR, ocean dumping surveillance, anchorage administration, aids-to-navigation surveillance or non-programmed data collection. These programs may supplement the district commander's or COTP's activities in the overall enhancement of port safety within the areas covered by the VTS. However, the accomplishment of the programs must not interfere with the VTS primary function of vessel traffic management.

G. The watch supervisors and sector operators operate in a tense, stressful environment that demands total mental concentration. Noise and other distracting influences, generated by activities not related to the vessel traffic operational situation, cannot be tolerated. To this end, newer VTS's are designed with separate visitor viewing areas and casual visitors should not be permitted in the operations center. Additionally, collateral duties or colocated functions should not be imposed upon or implemented within vessel traffic centers. District commanders and COTP's should consider carefully the impact of operational concept changes. Proposed changes to VTS operational requirements or procedures must be submitted to the Commandant (G-W) for approval. VTS communications and surveillance capabilities may be used on a not-to-interfere basis, subject to the VTS commanding officer's concurrence, during significant events when no other resources are available.

PART 86–1—EMERGENCY RESPONSE OPERATIONS—BACKGROUND AND AUTHORITY

▼86–1–1. GENERAL.

In recent years there has been a substantial increase in the national concern for the protection of the marine environment. Recent maritime casualties resulting in the discharge of oil and hazardous substances have heightened this concern. The Ports and Waterways Safety Act (33 U.S.C. 1221 *et seq.*), the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251 *et seq.*), and the Hazardous Materials Transportation Safety Act (49 U.S.C. 1801 *et seq.*), provide broad prevention, enforcement and removal authority with regard to discharges of oil and hazardous substances, the general safety of our ports and waterways, and the transportation of hazardous materials. Much of this authority has been delegated to the Coast Guard and provides the basis for response activities.

It should be borne in mind that when circumstances require the captain of the port to make a decision affecting the safety of a vessel, waterfront facility or the environment, consideration must be given to the additional liabilities or responsibilities which the Coast Guard may incur as a result of such action.

For example, a decision to allow a stricken vessel, perhaps one which is afire or is flooding, to enter port subject to certain conditions carries with it the responsibility to ensure that these conditions are complied with in the manner contemplated during the decision-making process.

If these conditions are not being met or activities are being conducted in a manner adversely affecting the safety of the vessel, waterfront facility or the environment, the captain of the port must ensure that positive and adequate action is in fact initiated to resolve the situation. Situations such as this can be averted if the COTP will, prior to rendering his decision, carefully evaluate the capabilities of involved parties, including the Coast Guard, to perform the tasks which will be required and by closely monitoring the progress of the operation during the critical stages.

In summary, through actions taken in response to emergency situations, the COTP may coincidentally incur for the Coast Guard additional responsibilities or liabilities over and above those normally encountered.

PART 86–4—CHEMICAL HAZARDS RESPONSE INFORMATION SYSTEM (CHRIS)

▼86–4–1. USE OF THE CHRIS SYSTEM

The Chemical Hazards Response Information System (CHRIS) was developed to provide Coast Guard personnel with timely information essential for proper decision making during emergencies involving hazardous chemicals. Of primary concern is the evaluation of and response to any hazardous condition created as a result of a pollution discharge involving chemicals, which may pose a threat of injury to life and/or property. Through the use of tables, graphs and simple arithmetic, the system provides an OSC with valuable information that will enable him to effectively deal with a hazardous chemical discharge incident. The system may also be utilized for non-emergency-related needs such as preplanned response activities and procedures for inclusion in local contingency plans or to provide information to support the Coast Guard in its efforts to achieve improved levels of safety in the bulk shipment of hazardous chemicals. A chemical discharge on water can create a hazard because of its flammability, its toxicity, or both. As the spilled material disperses or becomes diluted, the hazard normally decreases and disappears. It is important to know how far and fast the danger of fire or poisoning can spread and at what point the chemical ceases to be a hazard. CHRIS addresses the complete spectrum of the chemical discharge incident including specific chemical hazards data produced by the discharge (involving quantitative estimates), response techniques applicable to that chemical, and location of equipment and resources critical to that incident.

86–4–5. CHRIS DATA

There are two fundamental types of information provided by CHRIS during emergencies; they are distinguished by the requisite reaction times. The first type of information pertains to early response wherein immediate action must be taken and hence there may be little time to consider the detailed character of the spill. The second type of information pertains to extended response wherein it is essential to consider in more detail the explicit nature of the threat and response alternatives. Four manuals have been provided for "extended response" situations. They are structured as described in sections 86–4–5A through 86–4–5D. For additional information concerning CHRIS refer to part 10–6 of this manual.

86–4–5A. A CONDENSED GUIDE TO CHEMICAL HAZARDS (COMDTINST M16465.11 (OLD CG-446–1))

This handbook contains information that will facilitate "early response" situations, and is a compact, convenient source of chemical-related information with specific reference to bulkshipped hazardous materials. The guide is intended primarily for use by port security personnel and others who may be the first to arrive at the site of an incident and need readily available, easily understood, descriptive information about the hazardous nature of the chemical and situation confronted. It will assist those personnel in quickly determining proper, responsible actions that must be taken immediately to safeguard life and property and reduce, insofar as may be possible, further contamination of the environment. The guide contains precautionary advice on the chemical and its characteristic physical and biological hazards so that field personnel can assess the threat as a prerequisite to determining subsequent largescale actions.

86–4–5B. HAZARDOUS CHEMICAL DATA (COMDTINST M16465.12 (OLD CG-446–2))

This handbook is intended for use primarily by the on-scene coordinator's (OSC) office and the regional/national response centers. It contains detailed, largely quantitative chemical, physical, and

biological data necessary for formulating, evaluating, and carrying out response plans.

86–4–5C. HAZARD ASSESSMENT HANDBOOK (COMDTINST M16465.13 (OLD CG-446–3))

This handbook contains methods of estimating the rate and quantity of hazardous chemicals that may be released under different incident situations. It also provides the means for predicting the dispersion and threat that the chemicals present after release. Procedures are provided for estimating the concentration of hazardous chemicals (both in water and in air) as a function of time and distance from the spill. Methods are included for predicting the resulting potential toxic, fire, and explosion effects.

86–4–5D. RESPONSE METHODS HANDBOOK (COMDTINST M16465.14 (OLD CG-446–4))

This handbook is a compendium of descriptive information and technical data pertaining to existing response methods to be used in conjunction with other reference guides. The document is written for Coast Guard OSC personnel, who have had some training or experience in pollution and hazards response. Emphasis is placed on existing or prospectively available methodologies, as opposed to research and development schemes not expected to be available for CHRIS implementation.

▼86–4–10. USE OF THE HAZARD ASSESSMENT COMPUTER SYSTEM (HACS)

The Hazard Assessment Computer System was designed as the computerized counterpart of the CHRIS Hazardous Chemical Data Manual, COMDTINST M16465.12 (old CG-446–2) and the Hazard Assessment Handbook, COMDTINST M16465.13 (old CG-446–3). It is intended to enable Coast Guard decision makers to quickly obtain more accurately detailed hazard evaluations than may be possible by manual calculations. Graphic output displays show the relationships among spill concentration, vapor dispersion, rates of evaporation, venting and sinking; flame size, thermal radiation, location and time. The hazard estimate provided by HACS is given in terms of distance and times over which a toxic or flammable concentration of a given chemical may exist in water and in air, and the minimum safe distance between the spill site and people or combustible materials, should the chemical ignite and a fire ensue.

The Hazard Assessment Computer System is operational and, if all information needed for an evaluation is available, a HACS run can be completed in approximately 30–45 minutes. With increased utilization of the system, accuracy and speed of the output should improve. Ongoing program revisions as well as increased user familiarity will improve turnaround time on requests for HACS information received from the field. HACS is presently only accessible via a telephone call to the National Response Center (800–424–8802 (toll free) or 426–1830 (FTS/commercial)). Information submitted by Coast Guard field units is converted by the duty officer into a format to be entered into the terminal. The information for entry into the system which is required by the duty officer is indicated in plate 86–4–10.1, local reproduction of which is authorized and encouraged. The accuracy of the HACS output will be directly affected by the quality and completeness of the input data supplied by the field. Information that is not present in the data base will be automatically substituted by a default or estimated value pre-programmed into the system in order to continue the output and avoid termination due to insufficient data. Output accuracy is also affected by physical limitations within the mathematical models themselves. The extent to which the output represents the actual situation will vary from case to case. In dealing with such a large number of chemicals as well as their widely varying properties, it was necessary to formulate the models to be most useful for many chemicals under various accidental and environmental conditions. Therefore, although HACS provides numerical responses, it must be emphasized that these are best estimates and not

absolute values. On the whole, it will be found that results of HACS assessments will be conservative in nature, particularly when estimates are made concerning possible areas where toxic effects will be observed. This is because Threshold Limit Values (TLV's) for chemicals, the term that quantifies toxic effects, are computed for occupational (40 hour workweek) exposure and not for acute exposure situations. Also, some individuals have greater then average sensitivity to toxic chemicals. For these reasons, OSC's should endeavor, wherever possible, to obtain the advice of chemical specific experts when evaluating actual situations involving toxic chemicals. In this manner, refinements can be made to TLV's and subsequent HACS runs. Experts in specific chemicals should be identified as a part of routine contingency planning for those chemicals which can be normally found in an OSC's area of responsibility. In emergency situations, CHEMTREC, Commandant (G-MHM), (G-WEP-4), and the Regional Response Team may also be of assistance in locating the necessary expertise.

The ultimate decision as to whether or not to evacuate an area rests with local civil authorities. The conservative nature of the results of CHRIS and HACS computations may serve to overestimate the need to evacuate an area. For this reason, it must be realized that the process of evaluating actual or potential hazards must also include representatives of the affected local government, as well as experts in specific chemicals. HACS is expected to prove to be a useful tool that can assist OSC's confronted with the problem of assessing the hazards created by a potential or actual chemical spill. It must not, however, be considered as the sole source of information on which to base the decision making process.

On-Scene Coordinators shall:

(1) Develop a list of chemical products transported within their area of responsibility and determine potential worst case and most likely scenarios involving the most hazardous chemicals and identify chemical specific experts who may be contacted during an actual incident.

(2) Contact Commandant (G-WEP-6) via letter and utilize the HACS during contingency planning in assessing potential hazards which may exist upon release of the products transported within their area of responsibility.

(3) Contact the NRC directly and utilize HACS in the event of an actual or imminent chemical spill incident.

(4) Advise Commandant (G-WEP-4) of problems encountered and suggestions for improvement to the system.

PLATE 86-4-10.1

HACS DATA SHEET OSC _____ CONTACT _____

1. SYNOPSIS OF SITUATION: _____

_____

_____

_____

2. DISCHARGE CONDITITIONS:

a. Chemical. Name(s) _____

Initial mass _____ Quantity discharged _____

Pool size _____ Rate of leakage _____

Temp start _____ Vapor cloud? Yes No

Other _____

b. Tank/Container. Volume(s) _____

Tank height/depth_____ Diameter _____

Pressure _____ Hole size _____

Hole height from bottom of tank (liquids) _____

Hole height from ground or water surface (gases) _____

Other _____

c. Environmental. Wind direction _____ Speed _____

Air temp _____ Water temp _____

Waterway description/dimensions _____

Cloud cover _____ current/tide _____

Other _____

3. REQUESTED INFORMATION: (Include distance and direction to critical points, i.e., water intakes, ignition sources, clusters of population, etc.) _____

_____

_____

_____

_____

MARINE SAFETY MANUAL

PART 87–5—CIVIL DISTURBANCES

87–5–1. GENERAL

The *Civil Disturbance Preparedness Plan* (CG-368–1) promulgates the Commandant's policy governing Coast Guard civil disturbance control planning and operations. The plan imposes action requirements on subordinate commanders who are to insure that the provisions of the plan are expanded upon and promulgated to their operating personnel as necessary.

It is the Commandant's policy, as stated in CG-368–1, to discover, suppress, and counter all terrorist incidents which come within the purview of the Coast Guard. Terrorist incidents which involve U.S. flag merchant vessels, vessels of any flag within U.S. territorial waters, vessels of any flag carrying U.S. citizens as passengers, and waterfront facilities within U.S. territorial waters are of particular concern to the Coast Guard.

Since Coast Guard personnel are generally not trained in antiterrorism or offensive ground combat operations, face-to-face confrontation with terrorists should be undertaken utilizing the assistance of special teams maintained by other law enforcement agencies. Coast Guard antiterrorist operations requiring armed offensive actions using deadly force must be authorized by the Commandant. See Annex C of the *Civil Disturbance Preparedness Plan* (CG-368–1).

87–5–5. AUTHORITY

The Coast Guard's basic law enforcement authority is derived from Title 14 U.S.C., sections 2 and 89. In addition, the Magnuson Act, as amended (50 U.S.C. 191) provides the Coast Guard with broad authority to insure the safety and security of U.S. ports and the vessels therein. Under the authority of 14 U.S.C. 141, the Coast Guard may also avail itself of the services of any Federal or state agency with the consent of the head of that agency.

87–5–10. PLANNING GUIDANCE

Guidance for antiterrorist contingency plans for the situations described below can be found in Appendix II to Annex E of the *Civil Disturbance Preparedness Plan* (CG-368–1). The plans must be improved, modified, and expanded upon to conform to local conditions when:

(1) A U.S. or foreign vessel is attacked, hijacked, or threatened while moored or anchored in a U.S. port,

(2) A U.S. or foreign vessel is attacked, hijacked, or threatened in U.S. territorial or internal waters,

(3) A U.S. or foreign vessel, carrying U.S. passengers, is attacked, hijacked, or threatened in foreign territorial waters,

(4) A U.S. vessel is attacked, hijacked, or threatened in international waters,

(5) A foreign vessel carrying U.S. passengers is attacked, hijacked, or threatened in international waters, or

(6) A waterfront facility in or immediately adjacent to U.S. territorial or internal waters is attacked or threatened by terrorists.

Recommended precautionary actions to be taken by vessels which have been threatened by terrorists both while in port and at sea are provided in Appendix I to Annex E of CG-368–1. This information should be given wide dissemination within the maritime industry. Annex F of CG-368–1 provides guidance concerning the protection of Federal property and recommended procedures for handling bomb threats. General information specifically addressing port security procedures and responsibilities can be found in Annex H of CG-368–1.

▼87–5–15. COAST GUARD INVOLVEMENT IN LABOR DISPUTES AFFECTING MARINE TRANSPORTATION

The Coast Guard has responsibility to ensure the safety and security of vessels, vessel movements, and waterfront facility operations. To an extent, our efforts in marine safety are impaired by labor disputes involving management and tug boat operators, pilots and longshoremen's unions. Labor disputes involving these personnel are of vital concern to the Coast Guard, particularly when routine services provided are not available. The Coast Guard's *obligation* to perform assigned missions is not affected by the existence of a labor dispute. Congressional mandates under the Magnuson Act of 1950 and the Ports and Waterways Safety Act provide the Coast Guard with broad authority to control or supervise vessel traffic and authority to take necessary actions to assure the safety of vessels and waterfront facilities. Through preplanning and coordination with union personnel and local law enforcement agencies, the COTP can provide for the safe transit of vessels without obstruction by union members and still enable the unions to exercise their right to demonstrate. Unions or individuals desiring to use the navigable waterway for picketing or protest may be required to obtain a regatta permit from the district commander in accordance with 33 CFR 100.30. Judicious employment of shore area and waterside security and safety zones may limit the impact of increased vessel traffic on the navigable quality of the waterway. In the vast majority of cases, this can be accomplished without significant impact on union activity. By monitoring the labor situation of tug boat operators and pilots, the local Captain of the Port can prepare local orders to control or supervise all vessel movements within a specific area to become effective immediately when normal service is interrupted. It should be kept in mind that the normal services of tug operators and pilots could be interrupted should they decline to cross a waterside picket line of another union. Consequently the COTP should inquire as to their proposed reactions. To ensure safety, the COTP can impose additional requirements on vessels; e.g., require COTP permission prior to moving a vessel, establish one way or limited vessel traffic patterns and other measures deemed necessary. Preplanning and coordination with local marine interests in the event of a labor dispute may mitigate the need for or extent of COTP orders. Work slowdowns and stoppages by longshoremen will usually increase the number of vessels in the port area. This may require the COTP to more aggressively enforce anchorage regulations and possibly establish other orders to minimize the effects of vessel congestion in the port area. It is important for the COTP to meet with union personnel and clearly state the Coast Guard's responsibilities for marine safety and intentions to enforce regulations and orders.

When Coast Guard personnel are required to cross a picket line to perform an assigned mission, the person directing the picket line should be courteously informed that the marine safety personnel are on official business of the Coast Guard. As a practical matter, Coast Guard personnel should be able to identify themselves as such. When possible, it may be advisable to reschedule an inspection. This is especially true where picketing has been characterized by violence. Coast Guard officers and enlisted men are protected in the performance of their official duties by 18 U.S.C. 111 which states:

> Whoever forcibly assualts, resists, opposes, impedes, intimidates, or interferes with any person designated in section 1114 of this title while engaged in or on account of the performance of his official duties shall be fined not more than $5,000 or imprisoned not more than three years or both.
>
> Whoever, in the commission of such acts uses a deadly or dangerous weapon, shall be fined not more than $10,000 or imprisoned not more than 10 years, or both.

When armed or belligerent personnel are encountered, the following course of action should be followed:

Coast Guard personnel will not hazard themselves in protecting a vessel or facility. Coast Guard property and personnel will be protected and strategic withdrawal accomplished if necessary to avoid confrontation with armed belligerents. However, reasonable efforts should be made to identify anyone who violates an established safety or security zone. The foregoing course of action should be adhered to even if service weapons are available and Coast Guard personnel trained in their use.

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Item 934-A & contin
TD 5.8:Sa1/2/v.6/ch.6

DEPARTMENT OF TRANSPORTATION
UNITED STATES COAST GUARD

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H.H.

COMDTNOTE 16000

8 JUL 1980

9354

COMMANDANT NOTICE 16000

CANCELED 8 JAN 1981

Subj: CH-6 to Volume VI - PORTS AND WATERWAYS ACTIVITIES of the Marine Safety Manual, COMDTINST M16000.3 (old CG-495)

1. PURPOSE. This Notice transmits a change to Volume VI - PORTS AND WATERWAYS ACTIVITIES of the Marine Safety Manual by adding subpart 80-8-15 (Deviation from Rules Contained in 33 CFR 164) and revising part 86-3 (Pollution Response) of the volume.

2. DIRECTIVES AFFECTED. COMDTINST 16465.1A (National Strike Force), COMDTINST 16465.7 (Use of Chemical Agents and Other Additives in Pollution Removal/Cleanup Operations), and enclosures 2, 5, 6, and 7 to COMDTINST 16450.1 are superceded by this Notice.

3. DISCUSSION. Part 86-3 expands guidance on employment of the National Strike Force, proper documentation of Federal response costs for pollution response, and procedures for responding to pollution incidents on the Outer Continental Shelf.

4. ACTION.

a. Remove and insert the following pages:

Remove	Insert
80-8:1 through 80-8:3, CH-5	80-8:1 through 80-8:3, CH-6
86-0:1 through 86-0:2	86-0:1 through 86-0:2, CH-6
86-3:1 through 86-3:26	86-3:1 through 86-3:57, CH-6

b. Make an entry on the "Record of Changes" page at the front of the volume.

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	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
A									1	1	1	1														
B		4	15*		2		2	*		5				200	1		2	1								
C	1	1			*		2		*			2	*												1	
D	1	2		1							1*	*														
E		2											2	2	*				1							
F	1		1							1									24							
G																										
H																										

NON-STANDARD DISTRIBUTION: (see page 2)

COMDTNOTE 16000
8 JUL 1980

5. CHANGES. Suggestions for changes to the Marine Safety Manual should be made on Form CG-5122 which has been supplied with the manual.

K. G. WIMAN
Acting Chief, Office of Marine Environment and Systems

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C:i Pago Pago only (1).
C:m New Orleans (120); Seattle (35); Philadelphia (32); Long Beach (25); Houston (24); New York (22); St. Ignace (8); Rotterdam (6).
D:k New York (3); Jacksonville, Houston, New Orleans, San Francisco (1)(extra).
D:l CG Liaison Officer, NWC only (1).
E:o New Orleans (40); Long Beach (25); New York (15); Houston (14); Philadelphia, Sault Ste. Marie (6); Seattle (5); New Haven, New London, Muskegon, Monterey (4); Humboldt Bay (2).

Panama Canal Zone Liaison Officer (1).
DoJ Torts Branch (Washington D.C., New York, San Francisco only)(1).
NTSB (Marine Accidents Division only)(2).

PART 80–8—CAPTAIN OF THE PORT PERMITS

80–8–1. GENERAL PERMITS FOR HANDLING DANGEROUS ARTICLES OR SUBSTANCES

The general permit, mentioned in 33 CFR 126.27, for handling dangerous articles or substances at designated waterfront facilities, is not an actual document that can be produced in "hard copy" form; rather, it is an authorization granted by regulation conditional upon the observance and fulfillment of applicable safety regulations. The conditions set forth in 33 CFR 126.15 must be strictly observed at all times.

Regulations regarding the issuance and termination or supervision of general permits are found in title 33 CFR part 126.

80–8–5. PERMIT TO HANDLE EXPLOSIVES AND OTHER DANGEROUS CARGOES

Form CG-4620, Application and Permit to Handle Explosives or Other Dangerous Cargo, is required in the following instances:

A. *Facilities*

(1) Whenever "designated dangerous cargo" (commercial and military class A explosives) are handled, loaded, discharged or transported on a facility. Refer to 33 CFR 126.17 through 126.25.

B. *Vessels*

(1) Whenever shipments of military explosives and/or military lethal chemicals, other than material described as Coast Guard Class 1, are handled, stowed, stored, loaded or discharged from a vessel. Refer to 46 CFR 146.29–13 and 146.29–15.

(2) Whenever commercial Class A explosives are discharged from, loaded on, handled, or re-stowed on board a vessel. Refer to 49 CFR 176.100.

(3) Whenever nitro carbo nitrates and certain ammonium nitrates are loaded on or discharged from a vessel. Refer to 49 CFR 176.415.

One application and permit may be used to cover the same transaction for both the facility and vessel. A permit is required for each new transaction. The application and permit may also be utilized when the captain of the port exercises the provisions of 33 CFR 126.29.

80–8–10. ALTERNATE STOWAGE PROCEDURES

Captains of the port are authorized to permit, in writing, alternate stowage locations, and methods of handling or stowage of packaged hazardous materials under certain specified conditions (49 CFR 176.65). When captains of the port use the provisions of 49 CFR 176.65 the following procedures apply:

- The written authorization shall be signed by the COTP or his designated alternate.

- The original copy of the authorization shall be retained by the vessel and kept aboard with the dangerous cargo manifest as long as the alternative stowage or authorized deviation exists.

- Route information shall be obtained by the captain of the port, and if the subsequent ports of call are in the United States, the District of Columbia, Puerto Rico, the territories and possessions of the United States, or the Trust Territory of the Pacific Islands, the COTP authorizing the transaction shall forward a copy of the authorization to the cognizant Coast Guard authority. If the vessel is likely to arrive at the next port of call before the written authorization arrives, initial notification shall be made by message or telephone.

▼80–8–15. DEVIATION FROM RULES CONTAINED IN 33 CFR 164

Although 33 CFR 164.55 allows a captain of the port to "...authorize a deviation from any rule in this part...," the Port and Tanker Safety Act of 1978 (PTSA) limits that authority. Vessels required by section 5(7)(J) of the Act to have certain charts and navigation equipment, or by sections 5(7)(K) or (L) to have steering gear that meets certain minimum requirements, may not be granted authority to deviate from the sections of 33 CFR 164 that implement the Act.

Specifically, the PTSA requires any vessel carrying oil or bulk liquid hazardous material (as defined by the Act) in bulk as cargo or in residue which are of 10,000 gross tons or more to have:

- A gyrocompass (33 CFR 164.11(d));
- A sonic depth finder (33 CFR 164.11(h));
- Up-to-date charts (33 CFR 164.33);
- A dual radar system with short- and long-range capabilities and each with true north features (i.e., azimuth stabilization)(33 CFR 164.37);
- Redundant steering control systems (33 CFR 164.41); and
- Electronic position fixing device (33 CFR 164.41).

Additionally, an "electronic relative motion analyzer" will be required as of July 1, 1982.

The only limitations on the COTP's authority to authorize deviations are the part 164 items mentioned above, and those only for the ships addressed by section 5 of the PTSA (46 U.S.C. 391(a)). Any other deviation from part 164 requirements by those ships may be authorized at the COTP's discretion. Any deviation from part 164 may be authorized for any other vessel.

For additional information or guidance on the interpretation of part 164, write Commandant (G-WWM-2/TP11), U.S. Coast Guard, 2100 Second Street, S.W., Washington, D.C. 20593, or call (FTS) 426–4958 or commercial (202) 426–4958.

80–8–20. HOT-WORK PERMITS

Form CG-4201, Welding and Hot-Work Permit, is required in the following instances:

- For facilities and vessels moored thereto during the handling, storing, stowing, loading, discharging, or transporting of dangerous cargoes. Refer to 33 CFR 126.15(c).
- For vessels having military explosives on board as cargo. Refer to 46 CFR 146.02–20.
- For vessels having explosives or other hazardous materials on board as cargo. Refer to 49 CFR 176.54.

Title 33 CFR 126.15(c) indicates that hot-work is prohibited at waterfront facilities or on vessels moored thereto during the handling, storing, loading, discharging or transporting of explosives. However, 46 CFR 146.02–20 and 49 CFR 176.54 both provide authority to the captain of the port to permit hot-work aboard vessels where explosives are present. The regulation at 33 CFR 126.15(c) will be revised in the near future and current philosophy is to bring 33 CFR 126 into conformity with the aforementioned regulations in titles 46 and 49. Therefore, the captain of the port may issue a hot-work permit where explosives are involved provided he is satisfied that the operation can be conducted safely.

80–8–20A. FACILITY PERMITS

Facility permits may be issued for a single operation or for a specified period of time, at the discretion of the captain of the port. In the case of a continuing permit, the COTP shall require the holder of the permit to notify the captain of the port whenever

hot-work is scheduled. The permittee shall also be required to provide the following types of information:

- Types of dangerous cargoes presently on the facility;
- Proximity of dangerous cargoes to the site of the operation; and
- Expected duration of the operation.

80–8–20B. VESSELS

Vessel permits may be issued for a single operation only. Such a permit may not be issued for a period greater than 30 days.

80–8–20C. GENERAL

Hot-work permits shall be issued to a ship's officer or to the facility owner or operator only. Permits may not be issued to contractors who will be performing the work. It is the responsibility of the permittee to insure that all requirements specified in the permit are complied with by contracted workers.

Holding a Coast Guard hot-work permit does not constitute final authority for a hot-work operation unless all other applicable laws and regulations are met. The permittee must insure that all other Federal, state and local regulations are adhered to. An example would be the requirements of 46 CFR 30.01–10 and 35.01–1, which require inspection and testing aboard tank vessels before repairs or alterations may be made.

80–8–20D. REGULATION OF HOT WORK AT COAL, GRAIN AND SHIPYARD WATERFRONT FACILITIES.

Shipyards, coal and grain facilities generally do not handle or store, or have vessels loading or discharging, explosives, flammable or combustible liquids in bulk or other dangerous articles or cargo as defined in 33 CFR 126.05, and thus generally are not designated waterfront facilities under 33 CFR 126. However, *any* facility which does engage in such activity shall be treated as a designated waterfront facility subject to 33 CFR 126 during periods of time when such activities occur.

Even when dangerous cargoes are not present, the Captain of the Port may take action with respect to vessels at those facilities under 33 CFR 6, and 33 CFR 160. Such actions should take the form of Captain of the Port orders or directions, preferably under 33 CFR 160, but should not take the form of hot work permits since the hot work permit procedures are inapplicable to these facilities except when dangerous cargo is present.

46 CFR 35.01–1 and 49 CFR 176.54 provide a means of regulating hot work on board certain specific vessels at waterfront facilities and elsewhere. Under these regulations, permits would be issued to the vessel rather than to the facility.

80–8–25. ANCHORAGE PERMITS

The Anchorage Regulations contained in 33 CFR part 110 specify when and under what conditions the captain of the port may issue an extended anchorage permit. Before issuing a permit the captain of the port should consider congestion and traffic conditions to avoid creating a dangerous situation for vessels transiting the vicinity. Requests for extended Anchorage Permits must be considered on the merits of each particular case. (See 80–3 for additional information concerning anchorages.)

80–8–30. REPORTS

Unless specifically addressed herein, copies of permits need not be forwarded to the Commandant. The district commander may establish local reporting requirements at his discretion.

MARINE SAFETY MANUAL

CHAPTER 86—EMERGENCY RESPONSE OPERATIONS

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PART 86–3—POLLUTION RESPONSE

86–3–1. GENERAL

86–3–1A. NATIONAL RESPONSE TEAM AND NATIONAL RESPONSE CENTER

The National Response Team (NRT) consists of representatives from participating agencies and serves as the national body for planning and preparedness actions prior to a pollution discharge. The NRT shall act as an emergency response team to be activated in the event of a discharge or substantial threat of discharge involving oil or hazardous substances which:

(1) exceeds the response capabilities of the region in which it occurs;
(2) transects regional boundaries;
(3) involves significant numbers of persons or significant amounts of property; or
(4) when requested by a representative of any participating agency.

More specific responsibilities concerning the NRT are listed in Section 1510.32 of the National Oil and Hazardous Substance Pollution Contingency Plan(40 CFR 1510).

The National Response Center (NRC) is located at Coast Guard Headquarters, Washington, D.C. The purpose of the NRC is to provide facilities for receiving reports of pollution incidents. More specific details concerning the NRC are listed in section 1510.33 of the National Contingency Plan.

86–3–1B. REGIONAL RESPONSE TEAM AND REGIONAL RESPONSE CENTER

The Regional Response Team (RRT) consists of regional representatives of selected participating agencies (Federal, State, and local), acting within its region as an emergency response team performing response functions similar to those described for the NRT. The RRT shall be activated automatically in the event of a major or potential major discharge, or during any other pollution emergency upon request from any participating agency representative. More specific responsibilities of the RRT are listed in section 1510.34 of the National Contingency Plan.

The Regional Response Center (RRC) is the regional site for pollution emergency response activities. It will be accommodated in quarters described in each regional plan and will provide communications, information storage, and other necessary personnel and facilities to promote the proper functioning and administration of regional pollution emergency response operations.

86–3–1C. PORT EMERGENCY TASK FORCES

The Port Emergency Task Forces (PETFs) shall consist of trained personnel, with adequate supplies of oil and hazardous substances pollution control/response equipment and detailed contingency plans for their areas of responsibility. The PETFs shall be established at major ports, by the agency responsible for providing coordination and direction in a given geographical area. The PETFs shall be comprised of Coast Guard personnel, and when combined with additional members from other Federal, State and local agencies will constitute local response teams for employment by on-scene coordinators.

86–3–5. POLLUTION RESPONSE POLICY GUIDELINES

It is the policy of the Coast Guard to insure that timely and effective response action is taken to control and remove discharges and substantial threats of discharge of oil and hazardous substances in port and coastal waters, unless such removal actions are being conducted properly by the party responsible for the discharge or such removal actions will cause greater environmental damage than the discharge itself. This policy notwithstanding, additional guidance in this part of the manual is derived from the Commandant's understanding of

the intent of Congress as expressed in section 311 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321 et seq.), and formalized by the provisions of the National Contingency Plan. Pursuant to subpart 74–1–1 of this manual, a Coast Guard representative should be dispatched to the scene of a polluting discharge within one hour after receiving notification, or as soon as practicable thereafter, except on rare occasions when manpower and budgetary constraints may preclude such response.

86–3–10. RESPONSIBILITIES OF OSC

86–3–10A. GENERAL

Coordination and direction of Federal pollution control efforts at the scene of a discharge or potential discharge of oil or hazardous substances shall be accomplished through an on-scene coordinator (OSC). He is the single Federal official predesignated by the regional or district head of the agency responsible for providing the OSC, and is responsible for initiating and directing Phase II, Phase III, and Phase IV operations, and for providing necessary support and documentation for Phase V activities. The OSC must quickly determine the nature, amount, and location of the material discharged; the probable distance and time of travel of the material; the potential impact of the discharge on human health and welfare; and the resources and installations which may be affected and the priorities for protecting them. In the event the predesignated OSC is unable to immediately respond to a discharge, the first Federal official on scene, from the agency having responsibility for that area under the plan, shall assume coordination activities until the arrival of the predesignated OSC. A broad description of the OSC duties and responsibilities is contained in subpart 2–1–23 of this manual. Additional, more specific responsibilities are outlined throughout this part of the manual and the National Contingency Plan.

▼*86–3–10B. NOTICE OF FEDERAL INTEREST IN A POLLUTION INCIDENT*

Section 1510.52 of the National Contingency Plan requires that a suspected discharger be notified of Federal interest in his pollution incident. Section 1510.53 also requires that the discharger be notified when his cleanup actions are inadequate and that he be reminded of his liability for costs incurred due to Federal action.

A Notice of Federal Interest should be served on every suspected discharger. Notice should also be made in potential pollution incidents when the actions of the potential discharger to abate the threat are considered insufficient, and Federal action is contemplated. In such cases, potential dischargers should be advised of *possible* liability for costs incurred by the Federal Government to abate the threat. Investigators should be instructed in how to fill out the letter, and should be authorized to sign it as the OSC's representative. A copy, signed by the suspected discharger or his representative, must be obtained for the violation report. The format for this letter is shown on plate 86–3–10B.1. A personally-drafted Notice of Federal Interest may be substituted. In either case, the notice must contain the following information:

(1) The location and time of the discharge;

(2) Notice that the person is the owner or operator of the suspected source;

(3) Reference to the Federal Water Pollution Control Act, as amended, and an explanation of the Federal Government's cleanup role;

(4) Notice of the person's possible financial responsibility to the Federal Government if the cleanup is performed by the OSC;

(5) The identity of the OSC, his address, and telephone number.

86–3–10C. NOTICE OF ASSUMPTION OF RESPONSE ACTIVITIES

The Notice of Federal Assumption of Response Activities should be signed by the on-scene coordinator. As with the Notice of Federal Interest, a copy signed by the suspected or potential discharger or his representative must be obtained and attached to the on-scene coordinator's report. The format for this notice is shown in plate 86–3–10C.1.

The signed Notice of Federal Interest in a Pollution Incident shall be attached as an enclosure to the violation report. The signed Notice of Federal Assumption of Cleanup Actitivities shall be attached as an enclosure to the on-scene coordinator's report.

A witness should accompany the investigator when these notices are served. If the suspected discharger refuses to sign the notice, or makes himself unavailable, the circumstances should be so noted on the notice and signed by the investigator and a witness. Such circumstances should also be described in the investigating officer's narrative summary.

▼*86–3–10D. REPORTS*

The intent of the on-scene coordinator's report is to record, for future reference: the situation as it developed, the actions taken, the resources committed, and the problems faced by the on-scene coordinator during major or unusual response efforts. The recommendations of the OSC, based on his experiences, serve as a source of new procedures and regulations. An on-scene coordinator's report is also required when the OSC authorizes State action under section 311(c)(2)(h) of the FWPCA, as amended. The report should document the determinations required by the National Contingency Plan. Pollution removal costs shall be documented as shown in section 86–3–25G. The district commander shall insure that a copy of the OSC's report for each major pollution incident is forwarded, with appropriate endorsements, to Commandant (G-WER-2) and the cognizant strike team(s) within 75 days of the conclusion of the incident. OSC reports, for other than major incidents, should be submitted to Commandant (G-WER-2) whenever the reports contain information which may be useful for general program planning.

Reports for minor and medium discharges may not warrant the enclosure of items such as radio logs, etc., and the resulting report may well be only a few pages long. Each report, however, must accurately portray what actually transpired and what may be done to improve response operations and procedures during future incidents. The format for the on-scene coordinator's report is as follows:

(1) *Summary of Events*. This should be a chronological narrative of all events leading to the incident and all actions taken to combat the resultant pollution and to determine the source. A detailed description of how the situation developed after it was initiated and how that development affected the response should be included. This shall include a description of the affected or threatened waterway and the basis on which it was determined to be subject to the FWPCA (e.g. "navigable water," "tributary of navigable waterways," etc.). Assistance in this respect may be obtained from the district commander (dl). The National Contingency Plan requires a description of the cause of the incident, the initial situation and the organization of the response action, and the resources committed. These may be done as separate sections, or included in the narrative with the *Summary of Events*. If applicable, the following information shall also be included:

(a) The location (latitude and longitude) of spills in or beyond the contiguous zone, and detailed facts indicating whether the discharge was in connection with Outer Continental Shelf Lands Act or Deepwater Port Act activities, and whether it might have or actually did affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States;

(b) The details of Federal or State efforts to replace or restore damaged natural resources;

(c) The details of any abatement actions taken under section 311(c) and (d), or under the Intervention on the High Seas Act.

(2) *Effectiveness of Response and Removal Actions*. This part should candidly and thoroughly analyze the effectiveness of the response and removal actions taken by:

(a) The discharger;
(b) State and local forces;
(c) Federal agencies and special forces.

(3) *Problems Encountered*. This part should list any problems encountered and indicate how those problems affected the response.

(4) *Recommendations*. This part should include all recommendations of the OSC. Endorsements from the RRT and the cognizant district commander should be included. As a minimum, the following areas should be covered:

(a) Means to prevent a recurrence of the incident;
(b) Improvement of response actions;
(c) Any recommended changes in local, regional, or national contingency plans.

(5) *Enclosures*. This part should include the following items:

(a) A map, chart, diagram, or aerial photograph of the spill-affected area(s). It should identify sensitive wildlife areas, water intakes, population areas, and subdivision of the area for cleanup activities;
(b) A signed copy of the Notice of Assumption of Response Activities (see plate 86–3–10C.1.);
(c) For a major pollution incident, the OSC's daily briefing sheets containing the following information:

(i) A description of the response activity in each section;
(ii) Percentage of cleanup remaining in each section;
(iii) A daily estimate of total costs;
(iv) Photographic documentation of the cleanup, arranged chronologically and by cleanup area;
(v) All POLREPS and related messages;
(vi) Copies of all radio logs;
(vii) Copies of all telephone logs;
(viii) A summary (with documentation) of all removal costs which have been, or are being, incurred in the incident (see section 86–3–25G). This task shall be shared with the district commander(f).

(6) *Additional Requirements*. The following items may be needed in addition to the OSC's report and shall be provided by the district commander as required. This information shall be kept at the district office unless it is forwarded to the Commandant:

(a) The violation report;
(b) Minutes of the RRT meetings;
(c) Copies of all civil penalty correspondence arranged chronologically, the most recent on top. This enclosure should include copies of all handwritten notes made by the hearing officer and all summaries of telephone conversations and meetings held with either the discharger or his attorney;
(d) OCMI/COTP investigations and/or proceedings arising from the incident;
(e) Copy of R.S. 4450 hearings (if any).

For all major incidents and all cases referred to the Commandant, each of the enclosures indicated above shall be tabbed and labeled.

See part 74–3 of this manual for documentation requirements.

▼86–3–15. POLLUTION COUNTERMEASURES

It is the responsibility of the OSC to insure that response actions are initiated as soon as possible after discovery or notification of a discharge or potential discharge of oil. Authority is also contained in the FWPCA to permit actions to mitigate damage caused by actual or potential discharge of hazardous substances. These actions include, but are not limited to:

- Any containment measures;
- Measures required to warn the public of acute danger;
- Activities to provide, and monitor the quality of, temporary drinking water sources;
- Monitoring any spread of the pollutant;
- Biomonitoring to determine the extent of contamination;
- Providing navigational cautions while response activities are underway;
- Efforts to raise sunken vessels which are pollution sources;
- Establishment of emergency treatment centers and implementation of treatment programs;
- Any efforts required to locate and isolate pollution sources and to identify properties of discharged pollutants.

Such countermeasures may be undertaken by Federal officials (see section 86–3–25B), or by the party responsible for discharge through cooperatives or contractors (see section 86–3–25C).

The long-term solution to many spills may be the construction of major capital structures including advanced treatment systems or extension dikes. While such construction may well mitigate the danger to the public, it would *not* be appropriate mitigating action as provided by section 311(b)(6)(c) of the FWPCA.

▼86–3–20. DETERMINATION OF REMOVAL COMPLETENESS

Whether a discharge is removed by the Federal Government or by the party responsible for the discharge, the OSC must determine when removal is complete and operations may be terminated. There is no firm rule of thumb for hazardous substances; but with respect to oil, removal may be considered complete when there is no longer any detectable oil present on the water or adjoining shorelines, in places from which it is likely to reach the water or shoreline again, or when the cost/benefit ratio precludes further removal activities. In some cases, it may be more appropriate, from an environmental viewpoint, *not* to remove a discharged product. In such cases where uncertainty exists, the guidance of the Regional Response Team shall be sought.

86–3–25. UTILIZATION OF RESOURCES BY OSC

86–3–25A. GENERAL

The OSC shall aggressively conduct proper removal of all oil and hazardous substance discharges into the navigable waters of the United States, as defined by the FWPCA, and shall utilize Coast Guard resources wherever and whenever appropriate. COTP's and OCMI's should plan to utilize other Federal, State, and local agencies (and private industry when applicable) which have expertise in areas that may significantly enhance a cleanup effort, whenever possible.

▼*86–3–25B. CONTRACTUAL DOCUMENTATION*

86–3–25B(1). General.

Detailed instructions concerning contractual documentation shall be provided by district commanders via the district contracting officer. The items essential to adequate documentation for costs recovery are:

(a) *Authorization to Proceed.* This is given verbally when a contractor is contacted and instructed to perform a cleanup. It *must* be followed by a *written* authorization to proceed.

(b) *Daily Work Orders.* Daily work orders are an important means of control over the activities of contractors. Work orders should list *only* categories of labor and the materials needed to perform cleanup. A common complaint is that work orders are deviated from more often than complied with; however, when used in conjunction with Form CG-5136, they enable the contracting officer to reconstruct the OSC's assessment of the situation and the intent of his actions. This gives him a strong position from which to discuss discrepancies in a contractor's billing.

(c) *OSC Certification of Invoices.* Timely certification of the invoices submitted by the contractor will enable the contractor to minimize his debt level, and will enable the Coast Guard to recover cleanup costs more effectively. Each invoice certified must bear, or be an enclosure to, a statement from the OSC that the invoice has been reviewed. The format for this certification shall be provided by the district commander. As a minimum, it shall contain the statement "...I certify that (except as noted below) the services and materials were authorized and received by me in conjunction with Phase III and IV removal actions and that they are reasonable costs related thereto which are proper for payment from the Pollution Fund...." and shall be signed by the OSC. Invoices from State and other Federal agencies shall be endorsed as shown in 33 CFR 153.417 and 153.419.

86–3–25B(2). **Pollution Control Activity Daily Reports.** Form CG-5136 is intended to facilitate the certification of a contractor's actions and his subsequent billing. While the burden of filling out this form rests with the contractor, the responsibility to certify its contents rests with the on-scene monitor and ultimately with the OSC. The legal and contractual significance of Form CG-5136 should be impressed upon all personnel involved with the use of this form. The use of this form, from the contractor's point of view, is outlined on the cover page of the form itself. The OSC will insure:

(a) That Form CG-5136 is used in all Federally-funded removal activities;

(b) That it is presented to the OSC's field representative for his review when he inspects the work site, verifies the presence and activity of equipment and manpower, and carries out his monitoring duties;

(c) That upon departing the site, the OSC's representative fills in part 15a of the form, certifying that the equipment and manpower listed is, in fact, present and necessary;

(d) That the OSC's representative removes the pink bottom copy of all three pages labeled "OSC at Site" and delivers them to the OSC;

(e) That the contractor bills the Coast Guard, via the OSC, using the blue copy. The OSC can readily certify the billing by utilizing the work orders and the blue and pink copies of Form CG-5136.

On-scene coordinators shall control the distribution of this form to the cleanup contractors. It should be stressed that this form is for use *only* when the contractor is involved in a Federally-funded removal activity. Units and district offices have been given an initial distribution of this form, and additional forms are available from Supply Center Brooklyn, using stock number 7530–01-GF2–6000.

▼86–3–25C. USE OF COAST GUARD-OWNED EQUIPMENT

The OSC shall encourage the parties responsible for polluting discharges to initiate immediate and effective actions for the removal of the discharge through their own resources, or through a cooperative or commercial contractor. The OSC shall utilize Coast Guard-owned pollution removal equipment when

such equipment will significantly enhance removal activities. Whenever the OSC must utilize Coast Guard-owned equipment for purposes other than monitoring, he shall declare a Federal spill to the extent necessary to insure effective removal of pollutants.

▼*86-3-25D. PROCEDURES WHEN RESPONSIBLE PARTY IS UNIDENTIFIED*

If the party responsible for the discharge is unidentified, the OSC should immediately initiate actions to control the spread of the discharge. If the discharger cannot be identified after a reasonable period of time, these control efforts should be augmented with actions to recover and dispose of the pollutant. When the Federal Government is funding the removal operations, any contractor hired under a Federal response contract number comes under the *direct supervision* of the OSC. Under such circumstances, the OSC should provide trained personnel to supervise removal operations performed by the contractor, and to maintain accurate onscene records of manpower, equipment, and materials utilized or expended by the contractor for cost accounting purposes, in accordance with 33 CFR 153.407. When assuming responsibility for removal activities, the OSC should consider deployment of Coast Guard pollution control equipment when it will be more effective or can be deployed more quickly than locally available equipment. The costs for Federal removal activities are chargeable to the Pollution Fund in accordance with the provisions of 33 CFR 153.407 and CG-264, *Comptroller Manual*, volume one, chapter 01, section P.

▼*86-3-25E. PROCEDURES WHEN RESPONSIBLE PARTY IS IDENTIFIED*

If the party responsible for the discharge is identified, the OSC shall encourage the discharger to use his own resources or those of a local cooperative, or to hire a commercial contractor to effect timely and proper removal of the pollutant. The OSC shall determine if the discharger's actions are sufficient to control the spread of the discharge and to limit the environmental effect, and shall insure that such actions are proper within the meaning of section 311(c)(1) of the FWPCA. If they are, the discharger may proceed, with the OSC providing advice and counsel. If they are not, the OSC shall assume Federal control of the removal operations. In determining the sufficiency of the discharger's actions, the OSC may reflect, "Is the discharger doing everything that I would do? Is he using the techniques and equipment that I would use?" Ordinarily, the OSC will recommend to the discharger the preferred course of action and allow a reasonable time for it to be carried out before assuming direct Federal control of removal operations. When the OSC determines that the discharger is in need of operational assistance which is not commercially available, he shall declare a Federal spill, activate the section 311(k) fund, and take whatever steps are necessary to insure proper removal of pollutants. Such steps may include calling in Coast Guard-owned pollution control equipment such as oil barriers, pumping systems, and recovery devices. As authorized by 33 CFR 153.407, the cost of calling in Coast Guard-owned equipment is reimbursable to the Coast Guard operating guide (OG) appropriations from the Pollution Fund, in accordance with the provisions of the Comptroller Manual (CG-264), volume one, chapter 1, section P. Reimbursement extends to the following out-of-pocket expenses:

(1)Travel and per diem costs for the OSC and personnel required to deploy and maintain Coast Guard-owned equipment;

(2)Operational costs for the removal and support equipment;

(3)Refurbishment, repair, and replacement costs of the removal and support equipment.

▼*86-3-25F. EQUIPMENT AND PERSONNEL EXPENSES*

The costs of utilizing Coast Guard-owned pollution removal equipment, support equipment, Coast Guard personnel, and out-of-pocket expenses shall

be charged to the Pollution Fund for billing to the responsible party, as a part of Federal removal expenses. The operating guide appropriation shall be reimbursed for costs as specified in the following paragraphs:

(1) Standard rates for Coast Guard-owned oil removal equipment are listed in plate 86–3–25F(1).1; standard rates for Coast Guard vessels, aircraft, and vehicles are listed in plates 86–3–25F(1).2 through 86–3–25F(1).5. These rates will be reviewed periodically by Commandant (G-FAC). When preparing charges for a specific case, the appropriate district comptroller's office should be consulted for current rates. Documentation of costs for the use of Coast Guard-owned equipment shall provide a complete and detailed schedule of cost computations. Rates shall be applied in calculating assumed expenses of Coast Guard vessels, aircraft, and vehicles (owned or leased) in response operations. Due to the generalized nature of these rates, accurate accounting of actual times of employment is *imperative* for computing a proper claim. Records of actual expenses (e.g., purchase receipts or logs of fuel consumption) shall be utilized wherever available.

(2) Standard rates for Coast Guard personnel (Regular and Reserve) are listed in plate 86–3–25F(1).6. Again, note that the rates listed in this plate are quickly outdated; the latest change to the *Comptroller Manual*, CG-264, should be used to establish actual personnel charges. Accurate accounting of times personnel were actually employed is imperative.

(3) Additional claims are to be made for (i) actual costs for any maintenance required due to extraordinary use, providing such use was necessary to accomplish a mission; and (ii) incidental personnel expenses such as, but not limited to, travel and per diem.

(4) For oil barriers, a "life" of 30 days shall be assumed. Charges shall be applied for the total days used, not to exceed the actual cost for the equipment. The estimated refurbishment costs in plate 86–3–25F(1).1 are given only as a guideline; the responsible party shall be charged the total cost, which will vary according to actual use and location. Determination of cost shall include the cost of transportation to and from the discharge site; an additional 25% of the total cost of refurbishment, related transportation, labor, and administrative costs; and capital depreciation.

(5) For the oil transfer pumping system and oil recovery equipment (skimmers), calculations shall be applied to compute charges on an hourly, *not* daily, basis.

(6) Pay and allowances for personnel involved and capital depreciation will not be charged to the Pollution Fund, but will be billed to the responsible parties for credit to the Fund—not to the OG appropriation.

(7) Monies reimbursed to operating guide appropriations shall be reallocated to the participating units for all out-of-pocket costs and equipment refurbishment.

86–3–25G. DOCUMENTING POLLUTION REMOVAL COSTS

Pollution removal costs are to be separated into two general categories: costs reimbursable to the Pollution Fund and payments from the fund. The information contained in the categories listed below shall be compiled by the OSC and various district staffs. District commanders shall coordinate the collection of this information and include assignments of responsibility in the district OPLAN. It is *essential* that all documentation of removal costs be assembled within six (6) months of completion of removal activities. If the responsible party has not reimbursed the government, the case should be referred to the district commander (dl). Failure to assemble cost documentation and forward it to the district commander (dl) in a timely manner may preclude

the Coast Guard from collecting its costs from the responsible party.

Plate 86–3–25G.1 contains a sample pollution removal costs summary in final form.

86–3–25G(1). **Costs Reimbursable to the Pollution Fund:**

(a) *Access Control Costs.* This category includes the expenses of establishing and maintaining limited access areas or vessel traffic services. Clear and concise documentation should verify that this charge facilitated removal, or mitigated or prevented further pollution damage. A statement that the service was necessary is not sufficient.

(b) *USCG-Owned Equipment.* This category details the costs for all vessels, aircraft, and vehicles used in the removal effort. In most major cases, the initial effort by the Coast Guard was in the nature of firefighting or SAR. In such cases, the cutoff point between those activities and pollution removal actions should be indicated. Although it is not necessary to show individual charges for fuel, personnel, depreciation, overhead, etc., on the pollution summary sheet, these calculations should be retained as work papers for later use, should they become necessary. A short statement should also be included in the narrative introduction stating the source of the figures used in making the calculations (e.g., vessel, aircraft or support facility logs).

(c) *USCG Regular Personnel.* It is important to identify each individual who participated in the removal effort, substantiated by vessel, aircraft, vehicle, or base logs. Note that charges for Strike Team personnel are separated out. This procedure facilitates the gathering, directly from the Strike Team, of data which may not be available at the district level until a much later date.

(d) *USCG Reserve Personnel.* Reserve personnel are separately categorized due to different administrative and accounting procedures utilized for them.

(e) *USCG Civilian Personnel.* For the same reason, civilian personnel are also listed separately.

(f) *Travel and Per Diem Costs and Contracted Quarters and Subsistence.* The name of the vendor or individual, the date of the voucher, and the TONO or bureau schedule number should be included with the amount. It is necessary in each case that documentation of the item procured be legible and self-explanatory. In cases where the receipt does not indicate clearly the item procured or the reason for expenditure, a short explanatory statement should be attached.

(g) *Purchase Orders.* The date of the voucher, the amount, and the bureau schedule or purchase order number should be listed. It is important to document the reason for this expenditure. If the item appears questionable, a detailed explanation of why the item was used and its relationship to the removal effort should be included. Expendables (film) and small capital items (anchors) have often posed problems in this regard. A depreciation factor should be calculated on capital items which are retained by the Coast Guard.

(h) *Contract Costs.* Contract files should be scheduled in the following manner: pre-award negotiation; original contracts with modifications; correspondence on the contract; a payment record; and file copies of modifications with supporting documents. For most major cases, it will be necessary to forward data directly to the district commander (dl), often times before final modifications and prices have been set. In such cases, it is appropriate to indicate the status of each contract. Note in category 8 (Contractors) of the sample summary that the Coast Guard procured a large amount of containment boom. In cases of this nature, care must be taken to determine the exact status of the item and to utilize the appropriate depreciation schedules as necessary.

(i) *States and Other Federal Agencies.* Documentation substantiating these costs must be submitted in detail, similar to that obtained for categor-

ies (b) through (g). Work orders from the OSC to the agency should be included. All invoices from these agencies should bear the endorsement required by 33 CFR 153.417 or 153.419, depending on the situation.

(j) *Pollution Removal Damage Claims.* This category lists all damage claims, settled or pending, which resulted from removal activity during the incident. An effort should be made to separate restoration of private property costs from removal costs, if the contractor restored damaged property prior to departing the site.

The first page of documentation for each respective category should be tabbed (e.g., Purchase Orders); the documents necessary to support each charge on the summary sheet should be contained in each category. For instance, category 2 (USCG Equipment) would contain copies of vessel or aircraft logs; category 7 (Purchase Orders) would contain copies of the purchase orders; and category 8 (Contractors) would contain copies of the contracts in the order listed.

86–3–25G(2). **Payments from the Pollution Fund.** There will be considerable overlap between this and the previous section, with the exception of those costs reimbursable to the Pollution Fund but not to the subhead or organization from which they were paid. Examples of this include personnel costs (for State and other Federal agencies as well as the Coast Guard), and overhead and maintenance on Coast Guard aircraft, vessel, and vehicle costs. It should be noted that the payments from the Pollution Fund will, in all likelihood, be less than the claim for reimbursement to the Fund. The detailed documentation needed for the listing of costs reimbursable to the Pollution Fund need not be duplicated. A listing of the payments made, and proof of payment, is sufficient.

It should be re-emphasized that the accuracy of the data contained in the pollution removal costs summary is of utmost importance; therefore, decisions on questionable or difficult areas of accounting should be considered jointly by district (dl), (mep), and (f) staffs. It is most important to minimize potential problems by establishing a mechanism for accurate data collection *prior* to the computations, rather than by attempting to reconstruct what happened at a later date.

▼86–3–27. USE OF CHEMICAL AGENTS AND OTHER ADDITIVES IN POLLUTION REMOVAL OPERATIONS

Paragraph 305(c) of the Liability Regulations (33 CFR 153) sets forth national policy concerning removal of oil discharged into or upon U.S. waters, adjoining shorelines or the contiguous zones. Simply stated, mechanical and/or manual methods should be utilized to the maximum extent possible. However, under certain conditions it may be necessary and/or appropriate to use chemical or other non-mechanical agents.

Annex X of the National Contingency Plan sets forth the criteria for using chemical agents and other additives in pollution removal operations. Basically, chemical and other non-mechanical means may be used for removal operations when:

- In the judgement of the OSC, use of these methods will prevent or substantially reduce the hazard to human life; or

- In the judgement of the EPA representative to the Regional Response Team, such use will prevent or reduce substantial hazard to a major segment of vulnerable species of waterfowl, or result in the least environmental damage or interference with designated water uses.

Plate 86–3–27.1 lists those agents accepted by EPA headquarters for use in pollution removal operations. The plate will be amended to provide data on new products as that information is received. Additionally, a central file on all currently accepted products will be maintained at the National Response Center where OSC's may verify if any new products have been accepted and not yet published.

Nothing in this part should be construed as authority for blanket permission to use any chemical agent or other additive except as specifically provided for in Annex X. The procedures for EPA acceptance for use of chemical agents and other additives as outlined in Annex X should be closely adhered to.

All On-Scene Coordinators shall:

- Establish written procedures in local contingency plans describing under what circumstances chemical agents and other additives may be used in pollution removal activities as outlined in Annex X of the Plan.

- Maintain a file of accepted chemical agents and other additives as provided in Plate 86–3–27(a).

- Contact the National Response Center, 800–424–8802 (toll free) or 426–1830 (FTS/commercial), periodically for updating the file established and prior to anticipated use of any product not contained in that file.

- Insure that the restrictions in the use of chemical and other additives as outlined in Annex X of the Plan are given wide dissemination to local Coast Guard operational units.

86–3–30. ENTRY INTO PRIVATE PROPERTY

The OSC shall be responsible for determining when access to private property is necessary in order to properly carry out his functions under the FWPCA and the National Contingency Plan. Entry into private property which is part of an "adjoining shoreline" of the waters of the U.S. may be necessary to fulfill immediate response activities and subsequent investigations and inspections. Additionally, it is sometimes necessary to enter private property for administrative inspections to insure compliance with regulations promulgated under the Magnuson Act (50 U.S.C. 191), 33 CFR parts 6 and 126, section 311 of the FWPCA, or the Ports and Waterways Safety Act (33 U.S.C. 1221 *et seq.*).

86–3–30A. CHIEF COUNSEL OPINION ON ENTRY

The Chief Counsel of the Coast Guard has issued an opinion stating that Coast Guard personnel generally have the authority to enter private property on or near navigable waters without a warrant, for the purpose of carrying out oil discharge response activities and related investigations.

The following paragraphs are abstracted from the opinion of the Chief Counsel regarding right to entry.

86–3–30A(1). **Response Activities—Owner Provides Authorization For Access.** In carrying out activities pursuant to an oil discharge where access to private property is authorized by the owner, personnel shall insure that measures are taken to mitigate any damage which may result from such activities, and to exercise good sense while on the property.

86–3–30A(2). **Response Activities—Owner Absent.** Due to the emergency nature of activities in response to an oil discharge, a situation may arise where access to private property is necessary and the owner is not present to give his consent to access. In this case, no warrant is required and access to the property should be gained in the most expeditious means possible, taking all precautions to minimize damages caused in the process of gaining access. Continuing efforts should be made to locate the owner. When he is located, or arrives on scene, the OSC should explain the nature of the situation, the reason for entrance to the property, and the means used to gain access. Also, the owner should be advised that every effort will be made to insure the safety of his property.

86–3–30A(3). **Response Activities—Owner Refuses Entry.** If, when contacted by the OSC, the owner refuses entry to his property, the OSC shall attempt to persuade the owner to permit access through discussion regarding Coast Guard duties and obligations, public necessity, and penalty provi-

sions of the law. If the owner still refuses, it may be advisable to contact the district legal officer for assistance in obtaining court orders from Federal or local enforcement authorities. Using force to gain entry is permissible if the urgency of the situation warrants such action; however, all reasonable alternatives should first be exhausted. Force should not be used to the extent that it would amount to a breach of peace or cause personal injury. The use of force by Coast Guard personnel is generally discouraged.

86–3–30A(4). **Initial Investigation Incidental to Oil Discharge Response Activities.** An integral part of the removal process is the initial investigation to determine the severity of the discharge, the source, and possible courses of action (for example, actions under section 311(c) of the FWPCA to mitigate damage from the discharged oil). Since this investigation is a part of the response activity, entry to private property is privileged and is to be carried out in a manner as described above.

86–3–30A(5). **Investigation Subsequent to Oil Discharge Response Activities.** Once response activities have been completed, it may become necessary to initiate an investigation to determine culpability for a discharge, or to obtain information for the purpose of proving criminal or civil liability. The procedures for entering private property under these circumstances differ from the procedures enumerated above because an emergency situation no longer exists. Entry onto private property under these circumstances may be subject to the guarantee of the Fourth Amendment to the Constitution of the United States against unreasonable searches and seizures, depending on a number of factors. Private property may be entered with the owner's consent, but should not be entered in the owner's absence or without the owner's permission until the district commander (dl) has been contacted for advice and assistance.

86–3–30B. TRAINING FOR PRIVATE PROPERTY ENTRY

District commanders shall establish an adequate training program to insure that Coast Guard personnel are advised of the situations which they may encounter in carrying out response activities and procedures to be followed in each instance, as outlined in section 86–3–30A. In all cases, care shall be taken to exercise good sense and the normal respect afforded private property. (See also subpart 36–1–15 of this manual.)

▼86–3–35. NATIONAL STRIKE FORCE (NSF)

86–3–35A. GENERAL.

Section 311(c)(2) of the FWPCA requires publication of a National Oil and Hazardous Substance Pollution Contingency Plan to "provide for efficient, coordinated, and effective action to minimize damage from oil and hazardous substances." The act further requires that the National Contingency Plan shall include "establishment or designation of a strike force consisting of personnel who shall be trained, prepared, and available to provide necessary services to carry out the Plan." The National Contingency Plan recognizes that Coast Guard personnel are the nucleus for the National Strike Force, which also includes the Environmental Response Team (ERT) established by the Environmental Protection Agency (EPA). Coast Guard personnel shall provide communications support and advice and assistance for oil and hazardous substances removal, and shall have knowledge of ship's damage control techniques, diving, and pollution removal techniques and methodologies. The ERT carries out the EPA's disaster and emergency responsibilities, provides advice on environmental effects of the discharge and removal of oil and hazardous substances, and mitigation of the effects of such discharges. ERT members have expertise in biology, chemistry, and engineering.

The NSF concept outlined by the FWPCA also includes the establishment of emergency task forces of trained personnel at major ports designated by the President (see section 86–3–1C for information con-

cerning Port Emergency Task Forces). The National Strike Force is distinct from the PETFs, but will respond if requested to assist in situations beyond the PETFs' capabilities.

86–3–35B. NSF ORGANIZATION

The National Strike Force is organized as the composite of three teams — the Atlantic Strike Team, the Gulf Strike Team, and the Pacific Strike Team. Each team is an operating unit of the Coast Guard with a commanding officer. These units are under the operational and administrative control of the appropriate area commander except while deployed to a pollution incident, at which time they are under the operational control of the OSC, whether a Coast Guard, EPA, or other Federal official. The strike teams are located on the East, West, and Gulf Coasts and must perform assigned functions of an integrated National Strike Force. To maintain the national character of, and a uniform and consistent performance among, the three strike teams Commandant (G-WEP) will review NSF training programs and internal planning activities, make recommendations to the area commanders, and make determinations concerning the operational use of R&D prototype equipment.

The National Strike Force will respond at the request of an OSC to major discharges, and perform other assigned functions to the limits of their capabilities in the following standard administrative regions, outlined in the National Contingency Plan:

(1) Atlantic Strike Team. Standard Federal Regions I, II (excluding Puerto Rico and Virgin Islands), III, V and North Carolina.

(2) Gulf Strike Team. Standard Federal Regions II (Puerto Rico and Virgin Islands), IV (excluding North Carolina), VI and VII.

(3) Pacific Strike Team. Standard Federal Regions VIII, IX and X.

86–3–35C. NSF RESPONSE

Each strike team shall maintain a state of readiness to provide technical knowledge, supervisory assistance, and deployment of special pollution control equipment for Phase III, IV, and V response operations. Each team will respond to requests from OSC's or chairmen of Regional Response Teams in their respective areas of responsibility, in accordance with procedures prescribed by the appropriate area commander. All three teams may be required at major incidents, and Commandant (G-W) will coordinate requests from one area commander for assistance from teams under the operational control of the other area commander. It is expected that the NSF will be utilized for most major discharges, and employment shall be given serious consideration when any of the following conditions exist:

(1) A medium or major discharge has occurred;

(2) Control of the discharge requires the special knowledge or special equipment of the NSF;

(3) Response will require in excess of two days to complete removal operations, and augmentation by NSF personnel will release local forces to return to normal operations;

(4) When, in the judgement of the OSC, NSF capabilities are considered necessary.

86–3–35D. NSF MISSION PERFORMANCE STANDARDS

The mission performance standards for each strike team are outlined below. These standards define minimum performance goals for the strike teams to use as targets. They provide each team with a clear understanding of how they are to organize and perform. They should also provide a clearer understanding to OSC's concerning the performance of the strike teams. These standards should be applied with careful judgement and recognition that personnel committed to training of other units or participation in R&D testing may be preempted for a re-

sponse mission. These standards also provide a management and budget tool to determine resource deficiencies or excesses. It is recognized that each command may not be able to meet each standard to the letter. These instances should be obvious from the reports submitted in accordance with section 86–3–35E and can then be addressed in the budget process.

86–3–35D(1). **NSF Personnel Response Standards**

The normal posture for the NSF teams will be a state of readiness to enable:

(a) The dispatch of at least one person by the fastest means possible to the scene of a pollution incident, whenever assistance is requested for a potential or actual major pollution incident.

(b) The dispatch of four persons to the scene of a pollution incident within two hours of notification.

(c) The dispatch of up to twelve persons to the scene of a pollution incident within six hours of notification.

All NSF personnel will proceed to the scene as expeditiously as possible by the most direct means available, and will report to the OSC ready to assist as directed. Each strike team will be prepared to assist other teams as operational commitments permit, consistent with the requirements in those incidents where the OSC's needs exceed the capability of one team.

86–3–35D(2). **NSF Equipment Response Standards**

All operational equipment requested at the scene of a pollution incident will be dispatched by the most expeditious mode of transportation available within four hours of notification. Personnel from the Port Emergency Task Forces shall be available to assist in receiving the equipment at its destination. All operational equipment will be maintained in a Ready Standby status, except for operational repairs and routine maintenance.

The NSF will have custody of major Coast Guard-owned pollution control equipment, including ADAPTS and open ocean barrier and recovery systems. NSF personnel will normally operate and maintain this equipment. However, personnel of the Port Emergency Task Forces will be trained to enable their deployment of this equipment, when necessary prior to the arrival of NSF personnel. In addition, the NSF teams will be outfitted with videotape recording equipment; diving equipment; backpack and hand-held portable communications equipment; hardware related to deploying removal equipment, such as portable lighting systems, small pumps, and flotation equipment; foul weather and survival gear; and miscellaneous hand tools. The equipment inventory of the NSF teams should be continually evaluated against operational experience and modified accordingly.

86–3–35D(3). **NSF Service Standards**

Effective and timely response by the NSF requires a high degree of coordination between the strike team's commanding officer and the OSC. Direct telephone communications between the OSC and team commanding officer shall be used whenever possible to accomplish the initial alerting with a maximum of communication and a minimum of delay. Thus, when alerted to an incident, the strike teams can initiate the actions necessary to provide immediate assistance to the OSC. This procedure will require a follow-up message and full compliance with all directives issued by area and district commanders involving the use of support resources (e.g., HC-130's). In assisting OSC's, strike teams shall provide:

(a) Advice concerning removal techniques consistent with special training and knowledge;

(b) Augmentation to the OSC's staff, particularly to monitor removal operations, to coordinate logistics support, and to document costs;

(c) Diving and ship's damage control assistance, consistent with the following guidelines, to investigate and evaluate the situation, or to monitor commercial diving and salvage operations.

(1) The Ship Salvage Diving Officer shall provide liaison between the OSC and commercial or U.S. Navy salvage operations;

(2) Strike team divers shall conduct investigative diving to assist the OSC in assessing the initial situation and progress being made;

(3) Strike team divers shall conduct operational diving to control the pollution source only, and then only when commercial divers are not immediately available;

(4) Strike team divers shall *not* conduct extensive salvage or diving operations when adequate commercial diving capability or U.S. Navy Supervisor of Salvage assistance is readily available.

86–3–35D(4). **NSF Planning Standards**

Each strike team shall plan and organize resources for their own response actions to be initiated upon notification of a discharge, and plan for their integration into on-scene operations through participation in local and regional contingency plan development and review. The first category includes internal unit operating procedures, plans for the transportation and deployment of special equipment, and the review of available removal techniques and plans for their use. The second category includes the review of local and regional contingency plans for familiarization, participation at RRT meetings, and submission of recommended changes to contingency plans. This required planning necessitates continuous liaison with personnel in all levels of government (Federal, State, and local) and key personnel in industry. This will create in-depth knowledge from a national perspective of other government capabilities and key resources, and meaningful relationships with those who control them.

86–3–35D(4)(a). *Unit Planning*

Each strike team shall:

(1) Develop and document procedures that establish an appropriate duty rotation to meet the response requirements for personnel.

(2) Develop and document contingencies for personnel and equipment transportation from the unit. Exercise these procedures for each type of operational equipment each quarter, except for those types which are actually deployed during the quarter.

(3) Establish a schedule to perform regular routine maintenance on all operational equipment. Maintain logs recording the performance of routine maintenance and operational repairs, or refurbishment for all operational equipment.

86–3–35D(4)(b). *Planning For On-Scene Integration*

Each strike team shall:

(1) Provide a minimum of one attendee to all Regional Response Team meetings to which invited.

(2) Assist in the preparation and review of regional and local contingency plans. Insure that the OSC's and chairmen of the RRT's have full knowledge of the capabilities of the total National Strike Force and the strike team serving their area. *Insure that the OSC's are fully aware of the support required at the scene for the NSF operational equipment, and that these requirements are discussed and resolved in the contingency plans.*

(3) Establish a working relationship with key personnel involved in environmental protection programs. These relationships should be strengthened through attendance at conferences, seminars, training sessions, visits to their offices, and telephone conversations. Contact shall be made with each key person at least once every six months. Through this

liaison, knowledge of available equipment and procedures to employ it shall be determined and kept current. Each person should also be given a general description of the capabilities of the National Strike Force and the particular strike team. Each strike team shall maintain liaison with:

a. All representatives to the RRT's within the area of responsibility.

b. An appropriate staff contact in each State environmental protection agency within the area of responsibility.

c. The manager of each cooperative and cleanup contractor within the area of responsibility.

86–3–35D(5). **NSF Training Standards**

Each strike team shall develop unit training programs to maintain necessary special skill and knowledge levels, and shall prepare and deliver training programs to Coast Guard units with significant marine environmental protection responsibilities. To the greatest extent possible, non-Coast Guard agencies and organizations should be encouraged to participate in these sessions. Particular efforts should be made to include local governmental emergency and response personnel.

86–3–35D(5)(a). *Unit Training*. Team training includes attendance at service schools, participation in industry training, attendance at conferences, and practical experience to develop knowledge in ship salvage, diving, damage control, petroleum handling and storage, tank vessel liquid cargo and fuel systems, removal techniques, handling of hazardous substances, and instruction techniques. Each strike team shall:

(1) Establish and execute a unit training program to insure that all personnel receive the required instruction in service practices such as practical factors for advancement, first aid, safety, Coast Guard administration, and travel claim procedures.

(2) Establish and execute a program which allows cross training among assigned enlisted ratings sufficient to enable all personnel to deploy and operate all operational equipment. This shall include semi-annual, *hands-on drills with all operational equipment*.

(3) Insure that sufficient personnel attend appropriate resident training courses to maintain the following training requirements. Every effort should be made to provide personnel with all types of training experiences which have applicability to NSF activities. Each of the other teams should be advised when new training courses are found to be of particular value. Minimum training requirements per team include:

a. Marine Environment and Systems Course – all officers, all enlisted.

b. U.S. Navy Diving Officer – 1 officer.

c. U.S. Navy Diver Second Class – 2 enlisted.

d. U.S. Navy SCUBA – 3 enlisted (except AST – 5 enlisted).

e. Vickers Hydraulic School – 3 enlisted (MK's only).

f. Coxswain's School – 3 enlisted.

g. Arctic Survival School – 1 officer, 4 enlisted (AST, PST only).

h. U.S. Navy Instructor, Shipboard – 4 enlisted.

i. Outboard Motor School – 3 enlisted (MK's only).

86–3–35D(5)(b). *Training Of Other Units*. The NSF will make scheduled visits to various field units which perform local response activities, to indoctrinate unit personnel in removal techniques and meth-

odologies, hazardous substances handling and removal, and pollution control information appropriate to the unit. These visits should stress hands-on training and include: classroom lectures as well as field demonstrations; training in the operation of pollution control equipment; response strategies; the Chemical Hazardous Response Information System (CHRIS); techniques for overseeing cleanup contractors; documentation requirements; and various other functions required of Coast Guard field unit personnel during an incident. Each strike team shall deliver an annual training program to units having significant MEP responsibilities, in accordance with administrative procedures and training schedules established by the area commander. This training should be provided to all MSO's and COTP's, and to other units which the area commander designates. The training should include drills, lectures, and demonstrations concerning all or part of the topics listed below. This list is not intended to be all inclusive and may be supplemented by other topics as required. Strike teams shall contact units scheduled for training to determine each unit's specific needs, and shall be responsive to requests from the unit commanding officer concerning program content. Unit commanding officers should be encouraged to invite government officials from Federal, State, and local agencies, particularly those dealing with emergency response in the unit's area of responsibility, to participate in this training. Training topics include:

- ADAPTS delivery techniques (participation by Coast Guard air stations should be arranged whenever possible).

- Field unit preparation for receiving NSF equipment.

- Use and maintenance of field unit pollution response equipment, stressing hands-on exercises and deployment strategies.

- Lectures on the state-of-the-art in the various aspects of pollution response.

- Procedures for proper monitoring of commercial contractors.

- Procedures for proper documentation by Coast Guard monitors and supervisors.

- Use of the Chemical Hazards Response Information System (CHRIS).

- Procedures concerning the use of the Pollution Fund.

- Planning and preparation of contingency plans, including the unit's pollution response bill.

- Discussion of laws, regulations, and Coast Guard policies concerning pollution removal.

86-3-35D(6). Commandant (G-WEP) will:

(a) Review training programs developed by each team for uniform and sufficient content.

(b) Review internal planning activities of each team to ensure a consistent posture for response to discharges.

(c) Make recommendations to the area commanders concerning NSF utilization, organization, and capabilities.

(d) Make determinations for use of R&D prototype equipment not yet transferred to the NSF operational inventory.

86-3-35D(7). Area commanders shall:

(a) Exercise administrative control of the strike teams located within their area.

(b) Exercise operational control of the strike teams located within their area, except while the teams are deployed to a pollution incident and are under the operational control of the Federal OSC.

(c) Develop response procedures for the strike teams located within their areas, including:

1. Direct OSC-to-team CO telephone communication and follow-up message.

2. Deployment of resources.

(d) Develop training schedules and procedures consistent with the guidelines set forth in this section.

86–3–35D(8). District commanders shall:

(a) Insure that regional and local contingency planning efforts include the involvement of the appropriate strike team, and that the strike teams are in attendance at Regional Response Team meetings whenever operational commitments permit.

(b) Insure that proper command attention is given to NSF training sessions held for district units.

86–3–35D(9). Strike team commanding officers shall:

(a) Meet the preceding requirements to the maximum degree possible. When these standards cannot be met due to insufficient capability, planning proposals shall be submitted requesting the necessary resources to attain the standard.

(b) Submit to the appropriate area commander, copies to Commandant (G-WEP and G-EOE) in letter form, the Activities Report (RCS G-WEP-1409) outlined in section 86–3–35E, no later than 15 days after the end of each quarter.

(c) Submit to the appropriate OSC the Incident Summary Report (RCS-G-WEP-14022), outlined in section 86–3–35E, no later than 30 days after being released from the incident.

(d) Submit to the appropriate district commander, via the OSC, a request for reimbursement for actual expenses incurred and equipment maintenance and refurbishment costs, for each incident in which the Federal Government conducted the removal. All necessary documentation such as invoices and personnel or equipment records shall be attached.

86–3–35E. NSF REPORTS

86–3–35E(1). **Advisories.** The area commander and the National Response Center shall be advised by priority message whenever more than fifty percent of the personnel assigned to a team are operationally committed to response efforts. They shall also be advised of changes in the status of the operational equipment listed below. Normally, this equipment will be considered in a Ready Standby status, available for deployment unless otherwise advised. A change in status shall be filed for a deployment or for repair, refurbishment, or routine maintenance when the equipment cannot be restored to Ready Standby status within four hours. Except for deployment, this advisory shall also include an estimate of the time to restore to Ready Standby status. Operational equipment affected includes:

(a) ADAPTS prime movers.

(b) ADAPTS pumps.

(c) Open Water State Oil Containment Systems, including skimming barriers.

(d) Open Water Oil Recovery Systems.

(e) Portable recovery devices (i.e., JBF Oil Mops, CG weir, etc.)

(f) Mobile Command Post.

(g) Portable communications equipment.

86–3–35E(2). **NSF Activities Report (RCS-G-WEP-14019).** The National Strike Force Activities Report shall be submitted quarterly by each strike

team in letter form and shall include the following topic areas:

(a) *Response.*
(One consecutively-lettered section for each incident involvement.)

(1) Name and location of incident.
a. Brief description of incident and dates.
b. Brief description of strike team involvement.
c. Man-days expended and number of men.
d. Recommendations for changes to National Contingency Plan and/or internal policies to improve future operations.

(b) *Unit Training.*
(One consecutively-lettered section for each training experience including training exercise conducted.)

(1) Course title/exercise description.
a. Man-days expended and number of men.
b. If a new course, provide an evaluation and recommendation concerning minimum attendance requirements for each strike team.

(c) *Presentations or Training Given by Unit.*
(One consecutively-lettered section for each speech or training program delivered.)

(1) Unit, conference, or seminar and dates.
a. Topics covered (attach copy of papers or speeches).
b. Man-days expended and number of men.

(d) *Maintenance.*
(One consecutively-lettered section for each type of operational equipment.)

(1) Equipment type.
a. Man-days expended for routine maintenance.
b. Man-days expended for operational repair and refurbishment.
c. Brief summary of operational repairs or refurbishment.

(e) *Planning and Liaison.*
(One consecutively-lettered section for each visit.)

(1) Unit, agency or organization visited, location and dates.
a. Brief description of subject matter discussed.
b. Man-days expended.

(f) *Research and Development.*
(One consecutively-lettered section for each project.)

(1) Project, location, and dates.
a. Brief description of project.
b. Man-days expended and number of men.

(g) *Diving.*
(One consecutively-lettered section for each activity.)

(1) Purpose of dive (i.e., operational, training, requalification) and dates.
a. Brief description of diving activity.
b. Man-days expended and number of men.

(h) *Other Activities*
(One consecutively-lettered section for all other activities during the quarter.)

(1) Brief description of activity and date.
(2)Man-days expended and the number of men.

(i) *Funding Date.*

(1) Balance brought forward from previous quarter.
(2) Funds available this quarter.
(3) Funds expended by category.
a. Response
b. Training
c. Maintenance
d. Planning and Liaison
e. Research and Development
f. Other (itemize)
(4) Reimbursement for expenses incurred in pollution incident involvement.
(5) Balance brought forward to next quarter.

(j) *Remarks*. Use this section to report concerns, unusual problems, mission performance deficiencies, needs for future equipment etc.

Note: Man-day data is the actual number of days, or part of a day, spent on a given activity. The total of man-days reported shall account for all activities carried out during the quarter.

86–3–35E(3). **NSF Incident Summary (RCS-G-WEP-14022).** The National Strike Force Incident Summary shall be submitted to the appropriate OSC no later than 30 days after the team's release from the incident. The report will be in letter form and shall include the following information:

a. Narrative description of activities participated in or performed by the strike team.

b. Narrative description of the use of strike team operational equipment.

c. Narrative assessment of effectiveness of strike team utilization.

d. Narrative description of problems encountered.

e. Narrative description of lessons learned.

f. Summary of actual expenses incurred and equipment maintenance and refurbishment costs.

g. Detailed personnel and equipment listings, including dates committed or hours of operation on the incident, with supporting documentation attached.

h. Attach all records or photographs that would assist the OSC to prepare adequate documentation for cost recovery. Do not retain any records at the unit that may be required in any subsequent litigation for cost recovery.

▼86–3–40. USE OF POLLUTION FUND

If the responsible party is unidentified or is not taking proper removal actions, response obligations fall to the Federal Government with the costs of removal chargeable to the Pollution Fund (see section 86–3–25B). If the responsible party is known and is taking proper actions, but is in need of operational assistance not commercially available, the OSC may then declare a Federal spill to the extent that Federal actions are needed, activate the Pollution Fund, and take appropriate actions to insure proper removal. In all such cases, reimbursement for expenditures from the fund is then sought from the party responsible for the discharge. To insure proper and effective use of the Pollution Fund, the following statutory and policy considerations require special emphasis:

- Determination of navigable waters;
- State reimbursement from the Pollution Fund;
- Reimbursement of Federal agencies from the Pollution Fund;
- Removal activities chargeable to the Pollution Fund;
- Damage assessment studies;
- Administration of the Pollution Fund;

- "Arranging for" removal;
- The district commander's responsibilities for the Pollution Fund;
- Hazardous substances and waste dump sites.

86–3–40A. DETERMINATION OF NAVIGABLE WATERS

Pursuant to section 311(c) of the FWPCA, the Commandant will act to control and remove any discharge or substantial threat of discharge of oil or hazardous substances "into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone." The Commandant will also respond to discharges or threats of discharge resulting from activities under the Outer Continental Shelf Lands Act (as amended) or the Deepwater Port Act of 1974, or which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States. Problems have arisen in cases in which documentation failed to establish that the waters affected *were* within the scope of the FWPCA. The most difficulty is caused in cases of waters "thought" by the OSC to be navigable waters. Section 502(7) of the FWPCA defines navigable waters as "the waters of the United States, including the territorial seas." The "waters of the U.S." includes not only the more traditionally recognized "navigable waters" but all streams, creeks, lakes, and ponds tributary thereto, upstream to their various sources. Storm drains and similar artificially-created systems whose discharges are not processed through treatment plants *are* "waters of the U.S." when they discharge into this tributary system. Lakes and ponds within the United States which are not part of this tributary system are "waters of the U.S." when the Federal Government may exercise any constitutionally authorized powers over them. The "waters of the U.S." also include seasonally dry watercourses when there is water standing or flowing in them. The mere existence of a channel or bed through which water could flow is insufficient without the actual presence of water, or the potential presence of water in the near future, due to such phenomena as tidal fluctuations or seasonal flooding. This accounts for virtually all of the waterbodies that exist in this country, the presence of water being the essential ingredient sought by Congress as the subject of regulation in the FWPCA. However, "U.S. waters" should *not* be construed as every puddle or depression containing or capable of containing water. While it might similarly be argued that Congress intended by the use of the term "adjoining shorelines" to reach pollutants discharged upon surfaces other than water, that term has no meaning unless read in conjunction with the words "navigable waters."

The Congressional intent, therefore, is to establish removal authority for those discharges upon shorelines and banks adjoining navigable waters, where an imminent threat exists of the discharge entering into or upon navigable waters. It is imperative that case files document the nature of the waters affected to establish a proper basis for Federal activities. (See paragraph 86–3–10D(1) of this manual.)

86–3–40B. STATE REIMBURSEMENT FROM THE POLLUTION FUND

Section 1510.65 of the National Contingency Plan outlines the procedure for allowing State-conducted removal operations and subsequent State reimbursement for removal expenses from the Pollution Fund. Section 311(c)(1) of the FWPCA provides the basis of authority for the Federal Government to conduct or arrange for removal operations (including those performed by states in accordance with section 311(c)(2)(h)), unless the OSC determines such removal will be done properly by the party responsible for the discharge. A determination by the OSC that the party responsible for the discharge or potential discharge did not properly conduct removal operations is a prerequisite for reimbursement of State removal expenses. Without a section 311(c)(1) determination by the OSC *prior to* initiation of response actions, a state cannot obtain reimbursement for costs incurred in those activities. In addition to determining that the discharger's actions are improper, the OSC must determine that State removal actions are necessary, as defined by section 1510.65

of the National Contingency Plan. State removal action is necessary when it can minimize or mitigate significant damage which Federal removal actions cannot, or when the cost which will be incurred by the state will not be significantly greater than that which would be incurred by Federal departments or agencies. Also, in accordance with the National Contingency Plan, the OSC must maintain control of removal operations so as to certify that the activities of the state and the corresponding expenses were authorized for reimbursement from the Pollution Fund. It must be emphasized that reimbursement is the single method of funding State removal actions. Only expenses prepaid from State funds may be considered for reimbursement from the Pollution Fund. This policy recognizes the responsibility of the OSC to determine the propriety of any removal actions undertaken by the party responsible for the discharge, and allows the OSC to maintain effective control over removal activities in his geographic area of responsibility (in accordance with the provisions of the National Contingency Plan). The determination that State involvement in removal operations is necessary, and that State expenses incurred are reasonable, must be made in a timely manner on a case-by-case basis. Care must be exercised in a State removal operation to insure that misunderstandings do not develop concerning reimbursement of funds expended for removal activities. Formal agreements among Federal and State departments and agencies reflecting all aspects of cooperation in pollution removal activities are essential to a mutually effective and timely response program. These agreements should establish a clear understanding of the mechanisms governing State reimbursement from the Pollution Fund, including information on specific expenses chargeable to the Fund and recommended reporting and accounting procedures found in volume 1, section P, of the *Comptroller Manual* (CG-264). A suggested form and content for an agreement with appropriate State agencies is indicated in plate 86–3–40B(1). Procedures compatible with the aforestated requirements which enhance coordinated Federal and State response activities should be included in the Regional Contingency Plan.

86–3–40C. REIMBURSEMENT OF FEDERAL AGENCIES FROM THE POLLUTION FUND

Federal agencies should utilize their own funds, subject to reimbursement from the Pollution Fund, for costs incurred during pollution removal activities. Federal agencies are entitled to reimbursement for the following items:

(1) Travel, per diem, and overtime costs for personnel;

(2) Rental costs, as approved by the parent agency, for non-expendable equipment provided;

(3) Replacement costs for expendable materials provided and utilized, including fuel for vessels, aircraft, or vehicles used at the OSC's request in support of response activities;

(4) Replacement or repair costs for non-expendable equipment which is damaged while under the administrative control of the OSC, provided the damage did not occur as a result of negligence on the part of the parent agency or its appointed agent. It is not intended, however, that the Pollution Fund will be used to replace the normal budget process by funding replacement of major acquisition items which are accidentally damaged(for example, an aircraft which crashes during support operations for a response activity);

(5) Transportation costs incurred in delivering equipment to and from the scene;

(6) Incremental operating and contract costs incurred in providing assistance to the OSC;

(7) Normal salary costs of government employees in positions which do not normally provide support services are reimbursable. Salaries of employees in positions which normally provide support services are *not* reimbursable. The normal response duties of an agency include but are not limited to: those responsibilities specified in the National and Re-

gional Contingency Plans; participation in deliberations of the National and Regional Response Teams; and designation of personnel to routinely serve on a Local Response Team.

In summary, it is the responsibility of each NRT/RRT member agency to plan and formally assign employees to perform discharge response duties as a matter of routine. However, if a particular pollution incident requires agency personnel not normally detailed to respond to perform response duties, the normal salaries of such personnel *are* subject to reimbursement from the Pollution Fund. The sole purpose of this policy is to provide the OSC with access to assistance from agencies which are unable to assign their personnel to response duties unless their salaries are reimbursed. An example would be certain personnel in the Fish & Wildlife Service who, although they are F&WS employees, are in a position totally funded by the Corps of Engineers and fully committed to a COE-sponsored task. If those personnel are withdrawn from the COE-sponsored task to assist in response activities, their salaries must be paid through other means during the time they are diverted.

The following policies shall also apply:

- Federal agency salaries shall not be reimbursed if such a transaction would result in transfer of funds from the Pollution Fund to the U.S. Treasury General Fund.

- Reimbursement from the fund for normal salaries of active-duty Coast Guard personnel and civilian employees shall not be sought.

- Salaries of Coast Guard Reserve personnel called to active duty specifically to assist in a Federal response activity are reimbursable. Cases in which Reservists are likely to be employed would be those having an acute need for additional personnel(for example, a large discharge area in which a great number of monitors is required). However, while it may be desireable to utilize Reserve personnel to supplement the OSC's staff for other than discharge-related duties during a particular incident, salaries for such employment are *not* reimbursable from the Pollution Fund. Further, it is inappropriate to attempt to alleviate chronic shortages of personnel within the Coast Guard or other Federal agencies through use of the Pollution Fund.

- No agencies' salaries are reimbursable unless a Federal removal activity has been declared, the revolving Pollution Fund has been activated, and those agencies' services have been requested by the OSC. In other words, the cost of monitoring a spill and providing advice to a discharger is a cost of doing business which should be borne by each applicable agency. However, a Federal removal activity should be declared whenever Federal funds are needed for purposes other than monitoring a discharge.

- A discharger incurs a liability for all salary, overhead, and administrative costs of involved agencies whenever a Federal removal activity is declared. Incremental funds recovered from the discharger shall be deposited in the Pollution Fund to support future Federal response efforts.

In order to receive reimbursement and to provide proper documentation for cost recovery, each agency is responsible for providing documentation to the OSC in the manner prescribed by the Pollution Fund administrator, the Coast Guard. Procedures compatible with these requirements, which will enhance coordinated Federal response activities, shall be included in the Regional Contingency Plan.

Agencies involved in the procurement of supplies, equipment, or services in support of a Federal removal activity may, upon authorization of the OSC, purchase materials or services with costs chargeable directly to the Pollution Fund, in lieu of using the agency's operating funds with subsequent reimbursement from the Pollution Fund. The required accounting services will be furnished by the Coast Guard.

86–3–40D. REMOVAL ACTIVITIES CHARGEABLE TO THE POLLUTION FUND

The types of activities that may be charged to the Pollution Fund have been subject to varying interpretation. Discovery, notification, and monitoring expenses are considered operating expenses of the Coast Guard. Although the cost of monitoring is a cost of doing business when the discharger takes responsibility, the cost of monitoring Federal removal efforts is chargeable to the discharger when a Federal assumption of control is made. It is then reimbursable to the participating agencies consistent with the policies outlined in this part of the manual. Control, recovery, and disposal expenses are chargeable to the Pollution Fund. Restoration activities and costs are the burden of the affected individuals and appropriate government agencies. Difficulty has been encountered in determining (1) the Coast Guard's obligation to perform certain response activities, and (2) the extent to which these activities represent necessary removal activities, as opposed to restoration activities not chargeable to the Fund. The FWPCA definition of removal includes "the taking of such actions as may be necessary to minimize or mitigate damage to the public health or welfare, including but not limited to fish, shellfish, wildlife, and public and private property, shorelines, and beaches." Coast Guard policy, based on this definition, includes as part of the removal operation any activities required to repair unavoidable damages resulting from necessary removal actions. This includes the repair or replacement of private property and the replanting of any shoreline vegetation damaged by the removal operations. The cleaning of boat hulls and pilings is also considered a removal activity which minimizes damage to public and private property resulting from the discharge, and which prevents further leaching or emitting of pollution into the water. (It is possible to remove oil from the hulls of boats without re-creating a discharge in the surrounding water.) Repainting boat hulls is not required if, after cleaning, they are found to be stained or corroded from the contact with the pollution. *However*, if the damage to vegetation or property is a result of the pollution itself, the replacement of these resources is a restoration activity and *not* a removal operation. If the damage is caused during removal, any actions to correct the damage should be financed from the Fund. This policy allows the OSC to take aggressive and forthright actions necessary, in his judgment, to remove the discharge from the water or adjoining shoreline while providing him the flexibility to determine whether an unusual response measure is required in the case at hand. The virtually infinite possibility of circumstances requires that the final evaluation of any removal action rests with the OSC and precludes categoric, mandatory policies. If the OSC determines that a certain action is necessary to effect proper removal, the expenses for that action are properly charged against the Pollution Fund. However, the effective implementation of this policy demands that the OSC fully document the particulars of an incident to insure sufficient detail for evaluating unusual requests or claims. (See section 86–3–25G on documentation of removal expenses.)

One question that has recently been raised concerning removal activities is, whether non-expendable equipment may be procured through the section 311(k) fund. The Pollution Fund *may* be used to procure non-expendable equipment which, in the OSC's opinion, is needed in removal activities and is not otherwise available. All requests for procurement of non-expendable equipment shall be transmitted to the appropriate Coast Guard district comptroller, along with statements justifying such procurements, prior to execution of any purchases. Disputes concerning the propriety of any such procurement shall be referred to Commandant (G-WEP) for resolution. In summary, the FWPCA and 33 CFR 153 guidance concerning the Pollution Fund is broadly worded and should be broadly interpreted.

86–3–40E. DAMAGE ASSESSMENT STUDIES

A question is often raised as to whether the Pollution Fund (established under 33 U.S.C. 1321(k))

may be used to fund damage assessment studies in preparation for potential claims which may be filed for oil pollution damage. After review of legal precedent and background, it has been determined that the Pollution Fund is *not* available for damage assessment studies. However, it is recognized that some form of limited scientific inquiry, which may be supportive of damage assessment efforts, may be required to assist the OSC in the performance of Phase III (containment and countermeasures) activities. Efforts to identify particularly environmentally-sensitive areas and to evaluate alternate defensive measures *are* Phase III activities and, therefore, may be funded from the Pollution Fund.

In summary, the funding of scientific actions other than those which are requested by the OSC and which directly support Phase III and IV activities, such as scientific investigations or damage assessment studies, shall be provided by the agency having legal responsibility for such activities.

86-3-40F. ADMINISTRATION OF THE POLLUTION FUND

The authority delegated to the Coast Guard under section 311(k) of the FWPCA is essentially fiscal in nature, and involves insurance that the Pollution Fund is not misused by negligent or fraudulent management (such as improper contracting procedures, overcharging, and the like). This authority *cannot* be extended to the operational decisions made pursuant to the authorities of sections 311(c) and (d), since they are not fiscal in nature. The officials charged with exercising the authorities of sections 311(c) and (d) have authority to make these decisions without consulting, much less obtaining the concurrence of, the officials charged with administering the fund pursuant to section 311(k). It is possible that the provisions of the *Comptroller Manual* which provide for direct charging to the fund and the assigning of a project number have contributed to a more extensive interpretation of the authorities of section 311(k). It should be *clearly understood* that assignment of a project number is merely a means to identify transactions to appropriate incidents, *not* an obligation of authority. Further, when the Coast Guard extends fiscal support to the EPA through the direct charging procedure, care must be exercised that the Coast Guard limits its support to fiscal management and *not* become involved in operational decisions. The procedures relating to the administration of the fund adequately authorize the official exercising section 311(c) and (d) authorities to establish that jurisdiction exists and to certify the appropriateness of actions taken.

86-3-40G. "ARRANGING FOR" REMOVAL

Consistent with the provisions of section 3ll(c) of the FWPCA, the National Contingency Plan, and the policy outlined above, it is common practice to encourage the party responsible for a discharge to take appropriate actions to remove the discharge. In several recent incidents, suspects were encouraged to, and did in fact, take such action before positive identification was made; later investigation showed that these suspects were not in fact responsible for the discharges. The alleged polluters justifiably desired to be compensated for their actions from the Pollution Fund. However, because the OSC's had not exercised the authority of section 311(c), and because the removal actions in question did not meet the provisions of section 311(j), payment from the Pollution Fund could not be made.

It is imperative that OSC's understand their authority under section 311(c) to "remove or arrange for the removal" of a discharge, and that they clearly distinguish between exercising this authority and providing advice to the responsible party. In order for payment to be made from the Pollution Fund under the circumstances described above, the facts of the incident *must clearly indicate* that the OSC was arranging for removal, verbally or in writing, and that the alleged polluter would not have taken removal actions in the absence of these arrangements. Voluntary removal activity absent from these arrangements does *not* qualify for payment from the Pollution Fund. When the identity of the polluter is

in doubt, the OSC should exercise his section 311(c) authority. The flow diagram shown in plates 86–3–40G.1 and .2 outlines the steps involved in a Federal response to a pollution discharge and highlights the key decision points and paths.

86–3–40H. THE DISTRICT COMMANDER'S RESPONSIBILITIES FOR THE POLLUTION FUND

District commanders shall:

(1) Insure that the "navigable waters" determination required to establish jurisdiction through section 311 of the FWPCA is made in a timely manner.

(2) Insure that proper contingency planning has been conducted and formal agreements established with appropriate State agencies, to enable their participation in Federally-initiated removal actions and reimbursement to the states for this participation. The plans and agreements should include as a minimum:

(a) A requirement that, in accordance with the provisions of section 311(c)(1) of the FWPCA, the OSC must judge the propriety of the removal actions of the party responsible for the discharge, and that Federal removal actions may be initiated only if the OSC determines that the actions of the responsible party are improper.

(b) A requirement that, once the OSC has determined that Federal removal actions are necessary, he must approve State participation in accordance with the National Contingency Plan on the basis that State removal action can minimize or mitigate significant damage which Federal removal action cannot, or that the cost for State removal action will not be significantly greater than that which would be incurred for Federal removal action.

(c) A description of the procedures to be followed by the states, to obtain reimbursement for funds expended for removal actions approved by the OSC. This includes certification by the OSC of his approval and adequate documentation to satisfy the provisions of volume 1, chapter P of the *Comptroller Manual* (CG-264).

(3) Insure that OSC's predesignated by the Coast Guard, and Coast Guardsmen who are first on-scene and who initially assume the duties of the OSC, aggressively pursue timely and effective removal action for all oil and hazardous substance discharges into or upon the waters of the contiguous zone. The extent of these removal actions shall be governed by the guidelines outlined in section 86–3–40D of this manual.

86–3–40I. HAZARDOUS SUBSTANCES AND WASTE DUMP SITES

With the designation of certain materials as "hazardous substances," the Pollution Fund has become available to support responses to emergencies involving such substances. Because the Coast Guard's ability to respond to hazardous materials discharges depends upon the legal definitions of the amounts of hazardous substances that may be harmful, OSC's will be confronted with situations involving finite amounts of a hazardous substance which are *less* than the amount defined by EPA as being a reportable quantity. The Pollution Fund may be used to remove and mitigate the effects of any material designated as a hazardous substance, regardless of the actual quantity involved, *provided* that the OSC determines such actions to be appropriate, *and* provided that such actions fall within the statutory and regulatory definition of a removal activity.

A question has been raised concerning use of the Pollution Fund to remedy the problem of abandoned hazardous waste dump sites. If a particular dump site is leaching or, in the OSC's opinion, there is a substantial threat of leaching into navigable waters, the fund may be used in activities to mitigate the leaching or threat of leaching by a designated hazardous substance. Once the leaching or threat of leaching has abated, the OSC must make a determination (based upon the threat of future leaching) as

to when emergency removal activities end and disposal of a chronic health hazard, posing no imminent danger or threat to navigable waters, begins. Under normal circumstances, the Pollution Fund should *not* be utilized for mitigatory actions beyond the emergency removal phase.

▼86–3–45. OUTER CONTINENTAL SHELF (OCS) POLLUTION INCIDENTS

86–3–45A. SPECIAL REQUIREMENTS FOR OCS-RELATED INCIDENTS

Whenever a pollution incident occurs which is under the purview of Title III of the Outer Continental Shelf Lands Act Amendments, the OSC must initiate Phase II response actions to confirm the source, and make an initial assessment to determine if removal activities are necessary and feasible, and if damage to private property or natural resources is likely to result. If this assessment indicates that removal activities are required or damages are likely to result, a Notice of Designation and Federal Interest should be issued and a determination made of any advertising required.

If the discharge is a result of OCS activities, the Notice of Federal Interest shall be combined with a Notice of Designation. When a signature cannot be obtained on a copy of the notice, it should be mailed to the party concerned via registered mail, return receipt requested. In this instance, the notice is required to be provided to the owner, operator, and guarantor of the source, as listed on the Certificate of Financial Responsibility. When transmitting a combined Notice of Federal Interest/Notice of Designation, the following information must be included, if known:

(a) The name of the vessel or offshore facility being designated as the source of oil pollution;

(b) The location, date, and time of the incident;

(c) The quantity of oil involved;

(d) The procedures for accepting or denying the designation;

(e) The initial requirements for advertising, if any;

(f) Reference to the FWPCA and an explanation of the Federal Government's response role; and

(g) The name, address, and telephone number of the responsible Federal official to whom further communication regarding the incident, advertisement of the incident, or denial of designation should be directed.

The Notice of Federal Assumption of Cleanup Activities should be signed by the OSC or his alternate. A copy signed by the suspected discharger must be obtained, if possible, and attached to the OSC's report.

If the required information is not known at the time of designation of the source of an OCS-related incident, a followup notice must be provided as soon as possible detailing any specific advertising requirements.

86–3–45B. ADVERTISEMENT OF OCS-RELATED INCIDENTS

For each incident involving OCS-related activities, a determination must be made by the administrator of the Offshore Oil Pollution Compensation Fund, with assistance as necessary from the district commander (dpa), as to the type, scope, and frequency of advertisements which may be required for the incident. This determination must then be communicated to the responsible party for compliance. In making the determination, the following factors should be considered:

(1) The nature and extent of economic losses that have occurred or are likely to occur;

(2) The persons who are likely to incur such economic losses;

(3) The geographical area that is or is likely to be affected;

(4) The most effective method of reasonably notifying potential claimants of the designation procedures for submitting claims; and

(5) Any relevant information or recommendations submitted by the responsible party.

Several methods of advertisement may be required to adequately inform potential claimants. Authorized methods include:

(1) Paid advertisements in newspapers having general circulation in the affected area;
(2) Public service announcements on commercial radio and TV stations, when these services are made available by the stations concerned;
(3) Notices posted in marinas, marine supply stores, bait-and-tackle shops, and other appropriate business establishments or public facilities in the affected area;
(4) News releases to all newspapers and radio and television stations serving the affected area;
(5) Publication in four successive editions of the local notice to mariners.

Whenever the owner, operator, and guarantor of the designated source all deny the designation, when the source cannot be identified, or when the source is a public vessel, the fund administrator must advertise for the presentation of claims to the Offshore Oil Pollution Compensation Fund.

It may also be necessary for the fund administrator to advertise on behalf of the owner, operator, or guarantor when any of those parties does not deny the designation within five days after receiving the Notice of Designation, but fails to conduct the required advertisement. In such a case, the expense of the advertisement shall be charged to the designated party.

In cases where the designated parties do not deny the designation (whether the advertisement is made by one of the parties or by the fund administrator on behalf of the party), the required advertisement must commence no later than 15 days after the date on which the Notice of Designation was issued, must continue for at least 30 days, and must include the following information, if known:

- The location, date, and time of the incident;
- The geographic area involved;
- The quantity of oil involved;
- The name or other description of the source;
- The identity of the owner, operator, and guarantor of the source;
- The name, address, telephone number, office hours, and work days of the person(s) to whom claims are to be presented and from whom claims information may be obtained;
- A warning to the effect that claims may not be honored when damage was incurred intentionally, through willful negligence, or through failure of the claimant to take reasonable measures to protect his property.

In addition, the advertisement may contain a notification to the effect that a claim may not be honored where an incident resulting in economic loss was caused by the negligent or intentional act of the claimant.

In cases where the fund administrator must advertise for the presentation of claims to the fund, the advertisement must commence as soon as possible, must continue for at least 30 days, and must include the following information, if known:

- The location, date, and time of the incident;
- The geographic area affected;
- The quantity of oil involved;
- The name or other description of the source;
- A notification that procedures for the presentation of claims may be found in 33 CFR 136, copies of which and information concerning which may be obtained from the Administrator, Offshore Oil Pollution Compensation Fund;
- The name, address, telephone number, office hours, and work days of the Fund Claims Adjuster;
- A notification to the effect that a claim will not be honored when either the incident resulting in the economic loss or the economic loss itself was caused by the gross negligence or willful misconduct of the claimant, and may not be honored when the claimant failed to take reasonable measures to protect the property which sustained economic loss.

PLATE 86-3-10B.1

SAMPLE NOTICE OF FEDERAL INTEREST IN A POLLUTION INCIDENT

Gentlemen:

This is to inform you that a pollution incident has occurred or threatens to occur at (vessel/facility) at (location/body of water), for which you may be financially responsible. Under Federal statutes, the United States Government has an interest in this incident and may take appropriate action to minimize damages which are threatened or which may be caused by this incident.

The discharge of a prohibited quantity of oil or a hazardous substance is a violation of the Federal Water Pollution Control Act, as amended. Under this act, the owner or operator of the source may undertake removal actions. If he refuses to take adequate removal action, he may be held financially responsible for actions taken by the Federal government to remove the pollutant and adequately mitigate its effects. Removal is being done properly if it is done in accordance with Federal and State statutes and regulations and the criteria of the National Oil and Hazardous Substances Pollution Contingency Plan. If you undertake removal actions, the adequacy of such actions shall be determined by the United States Coast Guard On-Scene Coordinator. The On-Scene Coordinator for this area is (name).

So long as you are taking adequate actions in this matter, Federal action will be limited to monitoring of the progress of your actions and provision of guidance as necessary.

If it is determined that you are not taking prompt and appropriate actions to clean up, contain, and remove the pollutant(s), Federal response may be initiated. You may then be held responsible for all actual costs incurred by the Federal government as set forth in section 311(f) of the Federal Water Pollution Control Act, as amended. Should you require further information concerning this matter, please contact: (name, address, and telephone number of OSC).

Sincerely,

(OSC or representative)

Received and acknowledged,

(name of addressee), (date/time)

PLATE 86-3-10C.1

SAMPLE NOTICE OF FEDERAL ASSUMPTION OF RESPONSE ACTIVITIES

Gentlemen:

My letter of (date) notified you of Federal interest in an actual or potential pollution incident at (vessel/facility) at (location/body of water), for which you are presently considered financially responsible.

You are hereby given notice that your actions to abate this threat and to remove the pollutant(s), and to mitigate (its/their) effects have been evaluated as unsatisfactory by the United States Coast Guard On-Scene Coordinator, (name). Effective (date/time), the Coast Guard will conduct all response activities under the authority of section 311(c)(1) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321(c)(1)). Removal will be effected in accordance with the criteria of the National Oil and Hazardous Substances Pollution Contingency Plan and Federal regulations. You may then be billed for all actual costs incurred by the Federal government, as set forth in section 311(f) of the Federal Water Pollution Control Act.

Should you require further information concerning this matter, you should contact: (name, address, and telephone number of OSC).

Sincerely,

(OSC or representative)

Received and acknowledged,

(name of addressee), (date/time)

PLATE 86-3-25F(1).1
STANDARD RATES FOR OIL REMOVAL EQUIPMENT

USCG-OWNED BARRIERS	REFURBISHMENT COSTS PER INCIDENT	FIXED CAPITAL DEPRECIATION PER INCIDENT (30-DAY LIFE)
Open Water Containment Barrier	Average cost for cleaning, repair, and labor but not including transportation, overhead, or operational man-hours = $17/ft. (See Note 1)	$3580/day, up to 30 days, or $107,000 to replace.
Open Water Skimming Barrier	Subject to negotiation.	$4100/day, up to 30 days, or $123,000 to replace.
Mid-range Containment Barrier, incl. Cold-Weather type	Average costs for cleaning, repair, and labor but not including transportation, overhead, or operational man-hours = $3.50/ft. (See Note 1)	$1.17/ft/day up to 30 days, or $35/ft to replace.
Semi-Protected Water Containment Barrier, incl. Kepner Sea Curtain and T-T type Oil Barrier	Average costs as above = $1.50/ft. (See Note 1)	$0.50/ft/day up to 30 days, or $15/ft to replace.

USCG-OWNED TRANSFER PUMPING SYSTEMS AND RECOVERY EQUIPMENT	REFURBISHMENT COSTS PER INCIDENT	FIXED CAPITAL DEPRECIATION PER INCIDENT
ADAPTS Pumping Subsystem	$2100/100 hrs or portion thereof, but not incl. transportation, overhead, or operational man-hours. (See Note 2)	$2.23/hr or $65,000 to replace.
Portable Oil Retrieval and Storage System (PORTS)	$100/10 hrs or portion thereof, but not incl. transportation, overhead, or operational man-hours. (See Note 2)	$0.25/hr or $10,000 to replace.
Oil Mop Belt-type Recovery System	$250/10 hrs or portion thereof, but not incl. transportation, overhead, or operational man-hours. (See Note 2)	$0.62/hr or $25,000 to replace.
Skimming Barrier Pumping Subsystem	Subject to negotiation.	$330/day or $33,000 to replace.

PLATE 86-3-25F(1).1(cont.)

USCG-OWNED TRANSFER PUMPING SYSTEMS AND RECOVERY EQUIPMENT	REFURBISHMENT COSTS PER INCIDENT	FIXED CAPITAL DEPRECIATION PER INCIDENT
Portable Disc-Drum Oil Skimmer(Type 110)	$150/10 hr or portion thereof, but not incl. transportation, overhead, or operational man-hours. (See Note 2)	$0.51/hr or $15,000 to replace.
Arctic Boat Disc-Drum Skimmer (R2003)	$800/10 hr or portion thereof, but not incl. transportation, overhead, or operational man-hours. (See Note 2)	$4.45/hr or $160,000 to replace.
Open Water Oil Recovery System (Disc-Drum)	$1200/10 hr or portion thereof, but not incl. transportation, overhead, or operational man-hours. (See Note 2)	$205.47/hr

OTHER USCG-OWNED REMOVAL EQUIPMENT	REFURBISHMENT COSTS PER INCIDENT	FIXED CAPITAL DEPRECIATION PER INCIDENT
Fast Surface Delivery System	Subject to Negotiation	$11/hr or $80,000 to replace.
Hazardous Substances Protective Clothing	Subject to Negotiation	(To be developed)
Sorbent Materials	Actual cost of materials plus 25% overhead and transportation.	(none)

NOTE 1: Compute costs for barriers as follows: Refurbishment costs + transportation costs from encl.(2), including vehicle, cutter, or small boat used to deploy and tend the barrier + personnel costs from encl.(2) and per diem if required beyond encl.(2)personnel costs and personnel costs computed in transportation costs + 25% of this subtotal as overhead + depreciation.

NOTE 2: Compute costs for pumping systems and skimmers as follows: Refurbishment costs + transportation costs from encl.(2), including vehicle, cutter or small boat used to deploy and tend equipment + personnel costs from encl.(2) and per diem for operating personnel + 25% of this subtotal as overhead + depreciation.

PLATE 86-3-25F(1).2

STANDARD RATES FOR CUTTERS

Cutter Class/Type	Personnel	Fuel	Other	Depreciation
WHEC 378	$580.99/hr.	$ 91/hr.	$173/hr.	$53/hr.
WHEC 327	533.51/hr.	84/hr.	148/hr.	10/hr.
WMEC 230	305.39/hr.	24/hr.	119/hr.	12/hr.
WMEC 213	270.64/hr.	32/hr.	143/hr.	10/hr.
WMEC 210	236.44/hr.	27/hr.	80/hr.	18/hr.
WMEC 205	270.64/hr.	27/hr.	187/hr.	19/hr.
WMEC 143	171.17/hr.	15/hr.	62/hr.	5/hr.
WPB-95	51.47/hr.	13/hr.	84/hr.	2/hr.
WPB 82	27.36/hr.	9/hr.	48/hr.	2/hr.
WAGB-POLAR	584.25/hr.	125/hr.	366/hr.	26/hr.
WAGB-INLAND	519.25/hr.	87/hr.	390/hr.	26/hr.
WLB	191.05/hr.	15/hr.	119/hr.	6/hr.
WLM	112.13/hr.	14/hr.	68/hr.	4/hr.
WLI	47.88/hr.	6/hr.	42/hr.	2/hr.
WLR	47.88/hr.	10/hr.	33/hr.	1/hr.
WLIC	34.20/hr.	5/hr.	27/hr.	1/hr.
WYTM	71.24/hr.	16/hr.	96/hr.	4/hr.
WYTL	17.10/hr.	4/hr.	24/hr.	1/hr.

NOTE: Personnel rates for Regular enlisted and officers are based on an eight-hour workday. Hence, military personnel costs shall be charged only for the first eight hours in any 24-hour period. Overtime for civilian Federal employees embarked on Coast Guard vessels shall be charged. Charges for fuel and other costs shall be applied for every hour of use or fraction thereof. The total charge shall be obtained by sub-totalling columns 1-3, increasing the subtotal by 25% as overhead, and adding column 4 for depreciation.

These rates are quickly outdated. The appropriate district comptroller's office should be consulted to ascertain the up-to-date rates when preparing charges for a specific incident.

PLATE 86-3-25F(1).3

STANDARD RATES FOR SMALL BOATS

BOAT TYPE	PERSONNEL	FUEL	OTHER	DEPRECIATION	BOATS IN TYPE
MLB(52)	$16.42/hr	$3.23/hr	$58.71/hr	$1.14/hr	52'MLB.
MLB(44)	11.88/hr	2.41/hr	29.71/hr	.88/hr	44'MLB.
MLB(36)	8.37/hr	.95/hr	20.00/hr	.24/hr	36'MLB.
UTB	10.13/hr	2.74/hr	24.83/hr	.31/hr	41'/40'UTB.
UTM	8.37/hr	1.64/hr	18.18/hr	.29/hr	30'UTM.
UTL	6.17/hr	1.14/hr	11.05/hr	.06/hr	17/16/15'UTL.
MRB	12.43/hr	.57/hr	9.81/hr	.29/hr	22'MRB; 25'MSB MkIII(short type).
MCB/ML	6.98/hr	.80/hr	17.44/hr	.03/hr	26/25/24'MCB; 27/26/25'ML; Motor Whaleboat; all boats other than listed, 24-36'.
MCBL/MLC	5.83/hr	.54/hr	21.45/hr	.02/hr	20'MCBL; 20'ML; 20'MLC; all boats other than listed less than 20'.
TICWAN	8.37/hr	2.00/hr	11.61/hr	.07/hr	21/19'TICWAN.
BU	11.23/hr	2.00/hr	16.20/hr	.59/hr	60/50/46/45 43/40'BU.
ICWAB	11.88/hr	2.40/hr	19.05/hr	1.29/hr	53'ICWAB.
LCVP	9.60/hr	2.65/hr	33.49/hr	.08/hr	36/35'LCVP.
LCM/CB	11.42/hr	2.69/hr	30.34/hr	.09/hr	64/56/50'LCM; all boats other than listed above 36'.
LARC*	6.17/hr	1.99/hr	39.82/hr	.36/hr	35'LARC
PWSB	8.95/hr	8.47/hr	3.76/hr	2.96/hr	32'PWSB
PSB	8.37/hr	1.88/hr	11.52/hr	.42/hr	31'PSB
Skiff	3.37/hr	1.44/hr	.41/hr	.02/hr	All SKB/M/L
ANB	13.15/hr	1.53/hr	36.41/hr	4.55/hr	55'ANB
TANB	9.60/hr	1.53/hr	21.52/hr	.77/hr	21'TANB

*In addition to hourly rates, add a charge of $9.60 for the cost of labor required to perform post-use maintenance.

NOTE: The total charge shall be determined by obtaining a sub-total for columns 1-3, adding 25% of the subtotal as overhead, then adding column 4 for depreciation.

PLATE 86-3-25F(1).4

STANDARD RATES FOR AIRCRAFT

AIRCRAFT TYPE	PERSONNEL COSTS	FUEL COSTS	OTHER	DEPRECIATION
HC-130B	$130.52/hr	$287.21/hr	$664/hr	$13/hr
HC-130E	130.52/hr	287.21/hr	234/hr	13/hr
HC-130H	130.52/hr	287.21/hr	314/hr	13/hr
HU-16E	67.82/hr	43.70/hr	378/hr	3/hr
HH-3F	81.31/hr	65.65/hr	574/hr	9/hr
HH-52A	49.60/hr	23.13/hr	286/hr	3/hr

NOTE: The total charge shall be determined by obtaining a sub-total for columns 1-3, adding 25% of the subtotal as overhead, then adding column 4.

These rates are quickly outdated. The appropriate district comptroller's office should be consulted to ascertain the up-to-date rates when preparing charges for a specific incident.

PLATE 86-3-25F(1).5

STANDARD RATES FOR VEHICLES

Charge for vehicles including commercial, GSA, and USCG-owned will include the costs listed below on Charge List for Vehicles.

CHARGE LIST FOR VEHICLES
Charges are marked by (X)

Source of Vehicle Used	(1) Actual Cost of Rent for Vehicles	(2) All Actual Operating and Maintenance Cost	(3) Actual Personnel Cost "A"	(4) Travel and Per Diem	(5) Overhead and Administration Expenses 25% of 1, 2, 3, & 4	(6) Depreciation "B"
Commercial Rental	X	X	X	X	X	
"C"	X		X	X	X	
USCG-Owned		X	X	X	X	X

NOTE "A":
Personnel costs include: base pay, subsistence, BAQ, enlisted clothing maintenance, and government contribution to social security.

Add all of these costs together and divide by 2,920 hours (365 days x 8 hours) for an hourly rate. Charges are made for each hour or major fraction thereof for the first eight hours of a 24-hour period. If the actual personnel costs cannot be determined, use standard personnel rates from TABLE 86-3-25D(1).6.

NOTE "B":
Depreciation is calculated as follows:
1. Take the acquisition cost of the vehicle.
2. Divide this cost by the estimated number of years the vehicle was expected to last on its purchase date.
3. Divide the figure from (2) by 8,760 hours (365 days x 24 hours) for the hourly rate.
4. Multiply the hourly rate by the number of hours the vehicle was used.

NOTE "C":
For this type, use GSA lease rates as published.

'PLATE 86-3-25F(1).6

STANDARD RATES FOR PERSONNEL
STANDARD MILITARY CONPENSATION RATE

Grade	Rank	Hourly	Daily	Weekly	Monthly	Yearly
08	Captain	$15.60	$124.80	$624.00	$2,705.04	$32,460.00
05	Commander	12.80	102.40	512.00	2,219.52	26,634.00
04	Lieutenant Commander	10.75	86.00	430.00	1,864.05	22,369.00
03	Lieutenant	9.35	74.80	374.00	1,621.29	19,455.00
02	Lieutenant Junior Grade	7.35	58.80	294.00	1,274.49	15,294.00
01	Ensign	5.65	45.20	226.00	979.71	11,756.00
W4	Warrant Officers	10.45	83.60	418.00	1,812.03	21,744.00
W3		8.85	70.80	354.00	1,534.59	18,415.00
W2		7.55	60.40	302.00	1,309.17	15,710.00
E9	Enlisted Members	8.75	70.00	350.00	1,517.25	18,207.00
E8		7.65	61.20	306.00	1,326.51	15,918.00
E7		6.55	52.40	262.00	1,135.77	13,629.00
E6		5.65	45.20	266.00	979.71	11,756.00
E5		4.75	38.00	190.00	823.65	9,884.00
E4		3.85	30.80	154.00	667.59	8,011.00
E3		3.70	29.60	148.00	641.58	7,699.00
E2		3.45	27.60	138.00	598.23	7,179.00
E1		3.10	24.80	124.00	537.54	6,450.00

NOTE:

1. Compensation Rate includes Base Pay, BAS, BAQ, Clothing Maintenance, FICA and SGLI.
2. These rates are reproduced from USCG Comptroller Manual, 1E01006. Changes to the Comptroller Manual shall supercede these rates.

PLATE 86-3-25G.1

1-5-0050

M/V CORINTHOS / SS EDGAR M. QUEENY
Costs Reimbursable to the Pollution Fund

This is a summary of expenses which are reimbursable to the Pollution Fund, for response activities following the collision between M/V CORINTHOS and SS EDGAR M. QUEENY on 31 January 1975, and the subsequent explosion on board M/V CORINTHOS.

1. Access Control	$	6,862.60
2. USCG Equipment		72,421.05
3. USCG Regular Personnel		29,083.30
4. USCG Reserve Personnel		27,409.30
5. Civilian Personnel		0.00
6. Travel and Per Diem Expenses		10,883.40
7. Purchase Orders		27,695.12
8. Contractors		2,312,497.83
9. State/Federal Agency Expenses		10,791.48
10. Removal Activity Damage Claims		14,471.00
TOTAL REIMBURSABLE EXPENSES:	$	2,512,115.08

PLATE 86-3-25G.1(cont.)

1-5-0050

M/V CORINTHOS / SS EDGAR M. QUEENY
Payments from the Pollution Fund

1. OG-30 Funds: Travel	$ 2,605.71
2. OG-46 Funds: Aids to Navigation	6,862.60
3. Purchase Orders	27,695.12
4. Contractors	2,292,497.83
5. State/Federal Agencies	10,791.48
6. Removal Activity Damage Claims	14,471.00
TOTAL PAYMENTS MADE TO DATE:	$ 2,354,923.74

PLATE 86-3-25G.1(cont.)

1. ACCESS CONTROL.

The following figures are related to the costs of establishing and dismantling a buoy system in the immediate area surrounding M/V CORINTHOS. The aids to navigation indicated were installed as an anchoring facility to support heavy floating boom used to contain discharged oil. The area within the buoy system was designated a Marine Security Zone on 10 February 1975, in accordance with provisions of 33 CFR 127.317. All dates and time calculations were obtained from logs of Coast Guard Base Gloucester City and those vessels/aircraft participating in access control operations.

Establishment Operations

(1) USCGC RED OAK:

2 Feb 75:	preparation of one(1) 3½' lighted buoy;	$ 121.00
:	preparation of four(4) 5th-class can buoys, each at $29.00.	116.00
8 Feb 75:	preparation of one(1) 6x20' lighted buoy;	406.00
:	preparation of one(1) 7x17' lighted buoy.	435.00
Vessel Time in Establishment:	Enroute 5.5 hr Loading 5.6 OnScene 10.8 21.9 hr @ $162/hr	3,547.80
		4,625.80

(2) CG 45306:

1 Feb 75:	preparation of one(1) 3rd-class can buoy;	92.00
8 Feb 75:	preparation of two(2) 5th-class can buoys, each at $29.00;	58.00
:	preparation of one(1) 5th-class nun buoy.	29.00
Vessel Time in Establishment:	20 hrs @ $26/hr	520.00
		699.00

Total Establishment Expenses: $ 5,324.80

PLATE 86-3-25G.1(cont.)

1. ACCESS CONTROL (continued)

Removal Operations

(1) USCGC RED OAK: 28 Apr 75, for 0.5 hr @ $162/hr		81.00
: 15 Dec 75, for 0.9 hr @ $162/hr		145.80
(2) CG 45306 : 28 Apr 75, for 5.0 hr @ $ 26/hr		130.00
Total Removal Expenses:	$	356.80

Monthly Service Charges

(1) 1 Feb 75 - 28 Apr 75: one(1) 3½' lighted buoy, for three months @ $27/mo.	$	81.00
(2) 8 Feb 75 - 28 Apr 75: seven(7) 5th-class buoys, for three months @ $ 7/mo. each.		147.00
(3) 1 Feb 75 - 28 Apr 75: one(1) 3rd-class can buoy, for three months @ $11/mo.		33.00
(4) 8 Feb 75 - 15 Dec 75: one(1) 6x20' lighted buoy, for ten months @ $46/mo.		460.00
(5) 8 Feb 75 - 26 Mar 75: one(1) 7x17' lighted buoy, for two months @ $49/mo.		98.00
(6) 26 Mar 75 - 15 Dec 75: one(1) ICS buoy, for eight months @ $25/mo.		200.00
Total Service Charges:		1,019.00

Replacement Operations

On 26 Mar 75 the 7x17' lighted buoy initially established in the access control system was replaced by one (1) ICS buoy, which was on station until 15 Dec 75.

USCGC RED OAK: 26 Mar 75, for 1.0 hr @ $162/hr		162.00
TOTAL ACCESS CONTROL COSTS:	$	6,862.60

PLATE 86-3-25G.1(cont.)

2. USCG EQUIPMENT EXPENSES.

The following expenses were directly incurred in response activities following the collision between M/V CORINTHOS and SS EDGAR M. QUEENY, and the subsequent explosion on board M/V CORINTHOS, on 31 January 1975. As all vessel sorties related to this incident were multi-mission in nature, the cut-off point between initial response and pollution control activities was determined to be 1450R, 2 February 1975, at which time the first Coast Guard units responding to the incident were released. All date/time calculations are derived from logs of Coast Guard Base Gloucester City and the participating vessels/aircraft.

Vessels

1. One WLM for 100.7 hours, @ $198.00/hr.	$ 19,938.60
2. One UTB for 378.0 hours, @ $ 40.14/hr.	15,172.92
3. One PSB for 139.0 hours, @ $ 23.25/hr.	3,231.75
4. One WYTL for 220.75 hours, @ $ 41.46/hr.	9,152.30
5. One WTYL for 204.25 hours, @ $ 41.46/hr.	8,468.21
Total Vessel Expenses:	55,963.78

Aircraft

1. One HH-52A for 5.0 hours, @ $ 368.58/hr.	1,842.90
2. One HH-3F for 12.0 hours, @ $ 820.28/hr.	9,843.36
3. One HU-16E for 5.5 hours, @ $ 547.31/hr.	3,010.21
Total Aircraft Expenses:	14,696.47

Vehicles

1. Five Port Security Vehicles, from Coast Guard Base Gloucester City, @ $ 3.10/day for 290 days.	
2. Two Pickup Trucks, from Coast Guard Base Gloucester City, @ $3.10/day for 278 days.	1,760.80

TOTAL USCG EQUIPMENT EXPENSES: $ 72,421.05

PLATE 86-3-25G.1(cont.)

3. USCG REGULAR PERSONNEL EXPENSES.

The figures provided below were directly incurred in pollution response activities following the explosion on board M/V CORINTHOS on 31 Jan 75.

Officers

	Days	Hrs	x	Rate	=	Expense
CAPT GOODWIN	45 days @ 8 hr	360		15.60		5616.00
CDR MULLEN	6 days @ 8 hr	48		12.80		614.40
LT CHAMBERS	11 days @ 8 hr	88		9.35		822.80
LT WOOD	4 days @ 8 hr	32		9.35		299.20
LTJG THOMPSON	95 days @ 8 hr	760		7.35		5586.00
LTJG McELMOGLE	9 days @ 8 hr	72		7.35		529.20
LTJG ERICKSON	9 days @ 8 hr	72		7.35		529.20
Total Officer Expenses:						$ 13,996.80

Enlisted

BM1 MANKE	7 days @ 17 hr	119	5.65	672.35
MK1 WRIGHT	7 days @ 17 hr	119	5.65	672.35
	14 days @ 5 hr	70	5.65	395.50
DC2 MATHIS	14 days @ 10 hr	140	4.75	665.00
	12 days @ 8 hr	96	4.75	456.00
BM2 INGRAM	7 days @ 17 hr	119	4.75	565.25
	52 days @ 7 hr	364	4.75	1729.00
BM2 SCARBOROUGH	59 days @ 7 hr	413	4.75	1961.75
QM3 OWENS	59 days @ 13 hr	767	3.85	2952.95
RD3 MAEN	59 days @ 10 hr	590	3.85	2271.50
BM3 PORTER	45 days @ 5 hr	225	3.85	866.25
GM3 CANANT	10 days @ 2 hr	20	3.85	77.00
Total Enlisted Expenses:				$ 13,284.90

Atlantic Strike Team

Allmembers of the Strike Team arrived on scene at approximately 1300R on 31 Jan 75 and departed at approximately 1500R on 3 Feb 75.

CWO3 ZINK	4 days @ 8 hr	32	8.85	283.20
BMCS BISHOP	4 days @ 8 hr	32	7.65	244.80
MK1 BRAYETTE	4 days @ 8 hr	32	5.65	180.80
DC1 DARBY	4 days @ 8 hr	32	5.65	180.80
DC1 SAWYER	4 days @ 8 hr	32	5.65	180.80
SK1 AGAR	4 days @ 8 hr	32	5.65	180.80
BM2 STARDEY	4 days @ 8 hr	32	4.75	152.00
BM2 BISHOP	4 days @ 8 hr	32	4.75	152.00
DC3 RISHER	4 days @ 8 hr	32	3.85	123.20
MK3 SMITH	4 days @ 8 hr	32	3.85	123.20
Total Strike Team Expenses:				$ 1,801.60

PLATE 86-3-25G.1(cont.)

4. USCG RESERVE PERSONNEL EXPENSES.

The figures provided below were directly incurred in pollution response activities following the explosion on board M/V CORINTHOS on 31 Jan 75.

Ordered to Active Duty (ACDUTRA)

	Days	Hrs	Rate	Expenses
LCDR HUBBARD	12 days @ 13 hr	156	10.75	1677.00
LT REDER	12 days @ 13 hr	156	9.35	1458.60
LTJG McCONE	14 days @ 12 hr	168	7.35	1234.80
MKCS MUNCH	6 days @ 8 hr	48	7.65	367.20
EMCS COSTELLO	12 days @ 8 hr	96	7.65	734.40
MKC SOPER	14 days @ 13 hr	182	6.55	1192.10
MKC SWOREN	12 days @ 8 hr	96	6.55	628.80
MKC COFFEY	12 days @ 8 hr	96	6.55	628.80
PS1 McNIFF	6 days @ 8 hr	48	5.65	271.20
PS1 COLEMAN	6 days @ 8 hr	48	5.65	271.20
PS1 McENLURN	12 days @ 8 hr	96	5.65	542.40
PS1 McDONNELL	12 days @ 8 hr	96	5.65	542.40
PS1 LUIZZI	7 days @ 8 hr	56	5.65	316.40
PS1 McGINNIS	12 days @ 8 hr	96	5.65	542.40
PS1 BENINGO	12 days @ 15 hr	180	5.65	1017.00
PS1 PASKO	82 days @ 8 hr	656	5.65	3706.40
PS2 KANUHA	13 days @ 8 hr	104	4.75	494.00
BM2 IGNATOVICH	6 days @ 8 hr	48	4.75	228.00
PS3 CLARK	12 days @ 8 hr	96	3.85	369.60
PS3 MORINA	2 days @ 8 hr	16	3.85	61.60
PS3 MORAWSKI	13 days @ 8 hr	104	3.85	400.40
MK3 WELLER	12 days @ 7 hr	84	3.85	323.40
FN BONGHI	12 days @ 8 hr	96	3.70	355.20
SN DUCK	12 days @ 8 hr	96	3.70	355.20
Total ACDUTRA Expenses:				$ 17,718.50

Ordered to Inactive Duty (INACDUTRA)

Officers: 6 men at 4 drill periods, @$42.25 per drill.	1,014.00
Enlisted: 110 men at 4 drill periods, @ $19.72 per drill.	8,676.80
Total INACDUTRA Expenses:	9,690.80
TOTAL RESERVE PERSONNEL COSTS:	$ 27,409.30

5. CIVILIAN PERSONNEL. None were utilized during response activities in this incident.

PLATE 86-3-25G.1(cont.)

6. TRAVEL AND PER DIEM EXPENSES.

The following costs were directly incurred in response activities following the explosion on board M/V CORINTHOS. They are substantiated by (enclosed) travel orders and Bureau Schedule Numbers.

Date	Individual/Vendor	Amount	TONO/BSN
27-2-75	Francis T. Eyre	$ 144.79	5611
27-2-75	Francis T. Eyre	408.47	5606
28-2-75	Francis T. Eyre	34.53	5609
6-3-75	Delaware River Port Authority	360.00	5589
6-3-75	Dorothy Gaffney	50.52	5612
12-3-75	Paul J. Carney	48.13	6733
14-3-75	Bank of Gloucester City	59.94	5818
14-3-75	Salem Motor Lodge	64.00	03-240-75
14-3-75	Allen Car Wash	15.60	03-240-75
14-3-75	Pat Sullivan Inc.	5.10	03-247-75
14-3-75	Dintona's Exxon	91.35	03-251-75
14-3-75	Delview Hotel	60.00	03-260-75
14-3-75	Dintona's Exxon	138.70	03-260-75
24-3-75	Open Road, Inc.	612.09	0008
4-4-75	National Car Rental	1,721.20	0009
18-4-75	Open Road, Inc.	2,427.50	0006
18-4-75	Atlantic Strike Team	1,843.18	03-254-75
24-4-75	Winifred Schutt	36.46	5987
2-5-75	Village Travel	7.25	6160
2-5-75	Sun Oil of Pennsylvania	13.00	03-254-75
8-5-75	Country Gas Service	27.00	0077
16-5-75	Mobil Oil Corporation	21.67	0085
16-5-75	National Car Rental	512.00	0068
19-5-75	Harry T. Hill	34.53	5442
9-6-75	Open Road, Inc.	1,898.63	0073
15-7-75	GSA Motor Pool, Philadelphia	67.76	0100
6-8-75	Mobile Field Offices, Inc.	180.00	0102
TOTAL TRAVEL AND PER DIEM EXPENSES:		$ 10,883.40	

PLATE 86-3-25G.1(cont.)

7. PURCHASE ORDERS.

The following costs were directly incurred during response activities after the explosion on board M/V CORINTHOS. All of these items were individually less than $2,500.00 in cost and were paid by Form DD-1155 or Standard Form 44.

Date	Vendor	Amount	P.O. Number
21-2-75	Kirk's Hardware	$ 458.27	5577
21-2-75	Weatherly's Yacht Co.	216.00	5578
6-3-75	Country Gas Service	240.00	5737
6-3-75	Loew Bros.	780.05	5738
6-3-75	Carter's Lincoln-Mercury, Inc.	498.20	5739
6-3-75	Gloucester City Camera	66.50	5740
6-3-75	Jersey Business Supply	107.40	5742
6-3-75	Mine Safety Corporation	155.12	5743
6-3-75	O.S. Johnson Co.	68.60	5744
6-3-75	Philadelphia Rug Company	175.00	5746
6-3-75	Sears Roebuck Company	410.62	5747
6-3-75	Sound Associates	62.50	5749
11-3-75	Keystone Helicopter Service	472.50	5769
11-3-75	M&E Marine, Inc.	111.00	5770
11-3-75	Waterfront Rope & Canvas	825.00	5771
14-3-75	Garden State Supply	3.90	5818
14-3-75	Dee's Black Horse Co.	18.97	5823
14-3-75	Loew Bros.	114.90	5824
14-3-75	Highway Rentals	88.00	5825
14-3-75	Carr's Hardware	29.95	5826
14-3-75	Carr's Hardware	54.70	5827
14-3-75	Carr's Hardware	31.00	5828
14-3-75	Perfect Photo Phactory	7.09	5830
14-3-75	Alexander Mat Company	58.05	5831
17-3-75	Bridgeton Travel Trailers	207.50	5835
17-3-75	Sears Roebuck Company	19.00	0019
17-3-75	K-Mart, Inc.	32.76	0014
17-3-75	Rainbow Magnetic Signs, Inc.	384.00	0012
17-3-75	Rainbow Magnetic Signs, Inc.	115.20	0013
17-3-75	M&E Marine, Inc.	356.40	0005
17-3-75	Camden Lumber Co.	174.72	0010
17-3-75	Keystone Helicopter Service	315.00	0015
24-3-75	Liberty Corporation	2,400.00	0061
24-3-75	Interstate Oil Transport	1,171.90	0060
24-3-75	Charles T. Banks Towing Co.	360.00	0062
24-3-75	M&E Marine, Inc.	1,563.00	0016
24-3-75	Rochester Germicide Corp.	220.00	0022
4-4-75	Eastman Kodak Corp.	7.70	0067
4-4-75	Bio-Marine Industries	18.00	0026
4-4-75	Keystone Helicopter Service	517.50	0066
4-4-75	Dee's Black Horse Co.	199.75	0011
4-4-75	Gloucester City Camera	262.50	0063
4-4-75	Gloucester City Camera	138.92	0064

PLATE 86-3-25G.1(cont.)

7. PURCHASE ORDERS. (continued)

Date	Vendor	Amount	P.O. Number
14-4-75	Eastman Kodak Corp.	43.98	0074
14-4-75	Country Gas Service	36.00	0071
22-4-75	Bell Telephone of Pennsylvania	235.21	6095
22-4-75	New Jersey Bell Telephone Co.	1,211.05	6095
23-4-75	Bureau Schedule No. Missing	110.43	6123
8-5-75	Bell Telephone of Pennsylvania	250.60	6224
8-5-75	New Jersey Bell Telephone Co.	25.78	6224
8-5-75	American LaFrance Company	140.50	6226
8-5-75	Merle Corporation	1,886.50	0072
8-5-75	U.S. Naval Exchange (Philadelphia)	18.00	0078
8-5-75	River Associates	750.75	0021
16-5-75	MSA Corporation	512.00	0068
9-6-75	National Milling Works	69.23	6430
9-6-75	Waterfront Rope and Canvas	825.00	0034
12-6-75	Eastman Kodak Corp.	18.48	0095
16-6-75	Rumsey Helicopters, Inc.	909.00	0096
1-7-75	John P. Fazzio Company	140.00	0098
15-7-75	New Jersey Bell Telephone Co.	348.46	0091
15-7-75	Bell Telephone of Pennsylvania	469.71	0099
15-7-75	Eastman Kodak Corp.	23.60	0097
5-8-75	New Jersey Bell Telephone Co.	140.19	0107
29-8-75	John P. Fazzio Company	140.00	0103
29-8-75	John P. Fazzio Company	105.00	0104
30-8-75	John P. Fazzio Company	35.00	0108
26-9-75	Delmarva Power Plants	5.53	0109
26-9-75	Mobile Field Offices, Inc.	100.00	0105
10-10-75	Bell Telephone of Pennsylvania	28.43	0114
10-10-75	New Jersey Bell Telephone Co.	8.44	0115
10-10-75	New Jersey Bell Telephone Co.	6.76	0113
10-10-75	Johnny-on-the Spot	51.00	0112
10-10-75	Mobile Field Offices, Inc.	100.00	0111
20-10-75	Mobile Field Offices, Inc.	100.00	0110
31-10-75	Johnny-on-the-Spot	45.00	0116
11-11-75	Bell Telephone of Pennsylvania	844.00	0119
11-11-75	Johnny-on-the-Spot	46.50	0118
11-11-75	Cherry Hill Portrait Studio	1,104.00	0117
23-11-75	American LaFrance Company	1,805.10	0070
19-12-75	Bell Telephone of Pennsylvania	37.40	0121
21-12-75	Mobile Field Offices, Inc.	100.00	0120
21-12-75	Johnny-on-the-Spot	135.00	0125
21-01-76	GAF Photo Services, Inc.	518.00	0106
21-01-76	Mobile Field Offices, Inc.	100.00	0122
21-02-76	Mobile Field Offices, Inc.	168.50	0124
12-03-76	Bell Telephone of Pennsylvania	14.82	0127
12-03-76	E.K. Jenkins Printing Co.	415.00	0126
TOTAL PURCHASE ORDER EXPENSES:		$ 27,695.12	

PLATE 86-3-25G.1(cont.)

8. CONTRACTORS.

The following costs were directly incurred as a result of response activities following the explosion on board M/V CORINTHOS. The files itemizing these costs are in the possession of: Mr. Philip Burns, Esq., of the U.S. Department of Justice/Admiralty and Shipping Division, New York, N.Y., and Lieutenant Hugh M. Johnson, Esq., U.S. Coast Guard/Claims and Litigation Division, Washington, D.C. Each contract file includes five folders which are arranged thus:

Folder I: pre-award negotiations
Folder II: original contract(s) with modifications
Folder III: correspondence on contract(s)
Folder IV: payment record(s)
Folder V: file copies of modifications to contract(s) with supporting documents

Firm	Comments on Status	Total Amount
1. Almo Anti-Pollution Services DOT-CG03-6317	Final payment made.	$ 36,944.95
2. Browning-Ferris Industries DOT-CG03-6322	Final payment made.	41,346.54
3. John P. Fazzio Company DOT-CG03-6455	Final payment made.	38,290.00
4. Duane Marine Corporation DOT-CG03-6313	Negotiations completed, but final payment not yet made. Partial payment to date: $ 519,011.59	544,701.52
5. Coastal Services, Inc. DOT-CG03-6314	Negotiations completed, but final payment not yet made. Partial payment to date: $ 685,897.10	696,228.03
6. Underwater Technics Co. DOT-CG03-6315	Final claim for $ 347,509.88 received. Payment for initial contract amount of $ 300,430.65 made. Balance is being withheld pending audit by Defense Contract Audit Agency.	300,430.65
7. Clean Water, Inc. DOT-CG03-6316	Final claim for $ 641,200.00 received. Payment for initial contract amount of $ 533,469.99 made. Balance is being withheld for protection of the Government, due to billing discrepancies.	533,469.99

PLATE 86-3-25G.1(cont.)

8. CONTRACTORS.(continued)

Firm	Comments on Status	Total Amount
8. Goodyear Aerospace Corp. DOT-CG03-6561	Final payment made in amount of $101,086.15. Initial contract amount of $ 55,970.65 exceeded due to fire which destroyed 10% of containment boom. Remainder is stored at Coast Guard Support Center New York. Freight charge was $ 1,049.40; depreciation @ $1.10/ft per day. Boom in use for 15 days at cost of $44,921.25.	101,086.15
9. Murphy Salvage Company	Negotiations not completed, invoices not yet received.	20,000.00(est.)

TOTAL CONTRACTOR EXPENSES(estimated): $ 2,312,497.83

9. STATE/FEDERAL AGENCIES EXPENSES.

(a) U.S. Department of the Interior, Division of Fish and Wildlife: Tinicum National Environmental Center.	$ 5,305.23
(b) State of Delaware, Division of Fish and Wildlife.	2,772.25
(c) State of New Jersey, Department of Environmental Protection: Division of Water Resources.	2,714.00
TOTAL STATE/FEDERAL AGENCIES EXPENSES:	10,791.48

10. REMOVAL ACTIVITY DAMAGE CLAIMS.

Claimant	Description of Damage	Claimed	Settled
Henry P. Jones, 42 Riverview, Normal, N.J.	125 feet of split-rail fence broken up and removed.	$ 5,000.00	1,200.00
Susan Q. Smith, 382737 Warmhart Ln, Turgid, Pa.	Lawn destroyed by tracked vehicle, garage ruined through cleanup activities, seawall undermined by cleanup activities.	,25,000.00	13,271.00

TOTAL REMOVAL ACTIVITY DAMAGE CLAIMS PAID: $ 14,471.00

PLATE 86-3-27.1

AGENTS AND ADDITIVES APPROVED BY EPA HEADQUARTERS
FOR USE IN POLLUTION REMOVAL OPERATIONS

PRODUCT NAME	FUNCTION	MANUFACTURER	DATE ACCEPTED
AMEROID OIL SPILL DISPERSANT/LT	Dispersing agent	Drew Chemical Corp One Drew Chemical Plaza Boonton, NJ 07005	11 MAY 1979
ATLANTIC-PACIFIC OIL DISPERSANT	Dispersing agent	GFC Chemical Co. 2539 Old Okeechobee Rd. West Palm Beach, FL 33409	19 SEP 1977
BP 1100WD	Dispersing agent	BP North America Inc. 620 Fifth Ave. New York, NY 10020	11 MAY 1978
BP 1100 X	Dispersing agent	BP North America Inc. 620 Fifth Ave. New York, NY 10020	20 OCT 1977
BTO ALL-PRO	Dispersing agent	Proform Products Corp. 230 California Ave. #210 Palo Alto, CA 94306	31 AUG 1978
COLD CLEAN	Dispersing agent	Adair Equipment Co., Inc P.O. Box 19333 Houston, TX 77029	07 OCT 1977
CONCO DISPERSANT K	Dispersing agent	Continental Chemical Co. 270 Clifton Blvd. Clifton, NJ 07015	26 APR 1978
COREXIT 7664	Dispersing agent	Exxon Chemical Co. 8230 Stedman St. Houston, TX 77029	01 NOV 1978
COREXIT 8667	Dispersing agent	Exxon Chemical Co. 8230 Stedman St. Houston, TX 77029	01 NOV 1978
COREXIT 9527	Dispersing agent	Exxon Chemical Co. 8230 Stedman St. Houston, TX 77029	10 MAR 1978
GOLD CREW DISPERSANT	Dispersing agent	ARA Chem, Inc. Box 5031, E.S.D. San Diego, CA 92105	31 AUG 1977
PROFORM POLLUTION CONTROL AGENT	Dispersing agent	Proform Products Corp. 230 California Ave. #210 Palo Alto, CA 94306	09 MAY 1979

PLATE 86-3-27.1(cont.)

SEA MASTER, NS-555	Dispersing agent	Whale Chemical Co., Inc 58 Wi[illegible]nt St. Staten Island, NY 10303	06 JUN 1977
SLIK-A-WAY	Dispersing agent	MI-DEE Products, Inc. P.O. Box 4815 Hayward, CA 94540	05 OCT 1978
NOSCUM	Biological additive	Natural Hydrocarbon Elimination Co. 5400 Memorial Dr., #812 Houston, TX 77007	18 NOV 1976
PETRODEG 100	Biological additive	BIOTEKNIKA International Inc. 7835 Greeley Blvd. Springfield, CA 22152	15 DEC 1978
PETRODEG 200	Biological additive	BIOTEKNIKA International Inc. 7835 Greeley Blvd. Springfield, CA 22152	15 DEC 1978
COREXIT OC-5	Surface collecting agent	Exxon Chemical Co. 8230 Stedman St. Houston, TX 77029	01 NOV 1978
OIL HERDER	Surface collecting agent	Shell Oil Co. One Shell Plaza P.O. Box 2105 Houston, TX 77001	16 SEP 1976
U.S. MARK I OIL SPILL CONTAINMENT AND CLEANUP KIT MONOLAYER FORMING AGENT ("OIL SPILL REMOVER")	Surface collecting agent	Commander Naval Ship Engineering Center Washington, D.C. 20362	31 AUG 1978

PLATE 86-3-40B.1

AGREEMENT BETWEEN THE UNITED STATES AND THE STATE OF _____
CONCERNING REIMBURSEMENT FROM THE FEDERAL POLLUTION FUND

WHEREAS, the State of _____, through its (State agency), and the U.S. Coast Guard, through its ____ Coast Guard District, have a mutual interest in protecting the environment from the damaging effects of pollution discharged into the navigable waters of the United States and the adjoining shorelines within their mutual jurisdictions; and

WHEREAS, the Coast Guard is authorized by the Federal Water Pollution Control Act, as amended in 1972 (33 U.S.C. 1251 et seq.), hereinafter called the "Act," and the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR 1510), hereinafter called the "National Contingency Plan," to reimburse State agencies from the Federal Pollution Fund under certain circumstances in which the Federal On-Scene Coordinator, hereinafter called the "OSC," determines that such action is necessary; and

WHEREAS, the State of _____, through its (State agency), and other political subdivisions and state instrumentalities, is authorized by state statute and local ordinances to pursue vigorous action to abate, contain, and recover pollutants discharged into its waters; and

WHEREAS, the (State agency) is the agency of the State of _____ authorized pursuant to 40 CFR 1510.23(a) to supervise the cleanup of pollution by state and local agencies, and to be the sole agency to submit requests for reimbursement for all state agencies, political subdivisions, and instrumentalities; and

WHEREAS, the (State agency) and the ____ Coast Guard District desire to establish uniform procedures for the authorization, documentation, certification, and reimbursement from the Federal Pollution Fund of Phase III (Containment) and Phase IV(Cleanup, Removal, and Disposal) expenses incurred by the (State agency) or other state agencies, instrumentalities, and political subdivisions under its supervision and control, and which are required to be paid by the Act, the National Contingency Plan, and by appropriate implementing regulations;

NOW THEREFORE, the (State agency) and the ____ Coast Guard District agree as follows:

(1) The OSC, designated in accordance with the National Contingency Plan, is the person solely responsible for coordinating Federal pollution control efforts and the only person who may authorize activities which are reimbursable from the Pollution Fund.

PLATE 86-3-40B.1 (cont.)

(2) This agreement is not intended to limit, to those situations in which reimbursement from the Pollution Fund is permissable, the activities of (State agency), other state agencies, instrumentalities, or political subdivisions in carrying out the mandate of statutorily approved programs. It is anticipated that exercise of state authority may be appropriate in circumstances in which Federal action is not deemed necessary by the OSC. Activities of (State agency), other state agencies, instrumentalities, or political subdivisions may include expenditure of State funds which under other circumstances would be reimbursable, or expenditures (such as restoration expenses) which are beyond the purview of the Act.

(3) The OSC may request of the designated representative of (State agency) what, if any, equipment, personnel, or materials of (State agency), other state agencies, instrumentalities, or political subdivisions are available for use hereunder. The designated representative shall inform the OSC of what items, if any, are available and to what extent, if any, (State agency) desires to assume a portion of the responsibility for Phase III or Phase IV actions during a particular pollution incident, and the estimated costs of such actions.

(4) Upon determination by the OSC that the following conditions have been met, he may authorize (State agency) to proceed with certain work to contain, clean up, and remove oil or hazardous substances deposited upon the navigable waters of the United States or on adjacent shorelines or beaches:

(a) That the party causing the discharge is unknown; or that the responsible party has been notified, if possible, of his liability for the costs of Federal removal in accordance with Section 311 (f) or (g) of the Act, the need to perform the removal in accordance with existing Federal and State statutes and regulations, including the National Contingency Plan, and the name and availability of the OSC; and

(b)That,despite these efforts by the OSC or other officials, the responsible party does not act promptly and adequately to remove the discharge; and

(c) That State action is required to minimize or mitigate significant damage to the public health and welfare which Federal action cannot minimize or mitigate; or that State action can be effected at a cost not significantly greater than that which would be incurred through action by Federal agencies.

(5) If the OSC determines that the conditions of paragraph (4) have been met and that State action is necessary, he may authorize the designated representative of (State agency) to proceed with the performance of appropriate services. This notice to proceed may be limited in any fashion and may be terminated at any time by the OSC, in whole or in part, in notice to the designated representative.

PLATE 86-3-40B.1 (cont.)

(6) All labor and equipment offered by the designated representative of (State agency) and authorized for use by the OSC shall be performed using the employees of (State agency), other state agencies, instrumentalities, or political subdivisions, unless the provisions of paragraph (8) of this agreement are met in contracting private concerns. All authorized work shall be supervised by the designated representative of (State agency). Work authorized hereunder, whether rendered by (State agency), other state agencies, instrumentalities, or political subdivisions shall be paid for by state or local appropriations and shall be considered, for the purpose of this agreement, as work rendered by (State agency). If the service of private contractors is deemed necessary by the designated representative of (State agency), he shall notify the OSC of the need. It is expected that the OSC, if he concurs, will usually obtain the services of concerns under contract to the United States, or obtain such services through the ____ Coast Guard District contracting officer.

(7) (State agency) shall be reimbursed for the following costs incurred hereunder and paid for by state or local appropriations, upon the submission of a report supported by accounting data, itemizing the actual costs incurred, to the Commander, ____ Coast Guard District via the OSC:

(a) Costs found reasonable by the Coast Guard and incurred by government industrial-type facilities, including charges for overhead in accordance with the facility accounting system;

(b) Actual costs for which an agency is required or authorized by law to obtain full reimbursement.

(c) Costs found to be reasonable by the Coast Guard and incurred by removal activities that are not ordinarily funded by regular appropriations and that are unusual in nature. These include, but are not limited to, the following:

(i) Travel (transportation and per diem) specifically requested of the agency by the OSC;

(ii) Overtime for civilian personnel specifically requested of the agency by the OSC;

(iii) Incremental operating costs for vessels, aircraft, vehicles, and equipment incurred during removal activities;

(iv) Supplies, materials, and equipment procured for specific removal activities and fully expended during those activities;

(v) Lease or rental of equipment for specific removal activities;

(vi) Contract costs for specific removal activities authorized in accordance with paragraph (8).

PLATE 86-3-40B.1 (cont.)

(8) Subcontracts:

(a) No subcontract shall be made by (State agency) for the furnishing of any work hereunder without the prior approval of the OSC. For the purpose of this clause, purchase of raw materials or commercial stock items shall not be considered "work;"

(b) No subcontract placed by (State agency) hereunder shall provide for payment on a cost-plus-percentage-of-cost basis.

(9) All individual requests for services hereunder shall be made by order of the OSC. Oral orders shall be confirmed in writing. (State agency) shall issue daily work orders to its labor force, and shall prepare daily (in a manner acceptable to Commander, ____ Coast Guard District(f)) a complete list of personnel, equipment, and materials provided hereunder, the inclusive times of their employment, and their costs if known, or an accurate estimate thereof if actual costs are not ascertainable. The list shall be sufficiently itemized to permit the OSC to maintain an accurate record of actual or estimated costs for each category of activity, and to identify each item of work for which actual costs will be included in the final billing. For minor incidents, the OSC may require less frequent reports at intervals not longer than three (3) days. Each daily report should also include an estimate of the percentage of work completed, an estimate of expenses necessary to complete removal activities, and remarks concerning any unusual problems encountered or anticipated.

(10) Hourly charges under paragraph (7) shall commence with the time personnel and equipment depart for the scene of the pollution incident. Charges shall terminate at the conclusion of necessary cleanup activities and transportation of personnel and equipment to their respective bases of operation; or, in the case of a notice of termination of authorization to proceed on certain work issued by the OSC, after the time which would have been necessary for cleanup activities and return transportation, had the work been terminated at the time of the notice.

(11) If it is deemed in the best public interest, the United States reserves the right to request cleanup services simultaneously from competitive firms and will expect harmonious cooperation from the various contractors working in the same or adjacent areas. The apportionment of contractors' services will lie solely within the discretion of the OSC, and no guarantee of volume of requested services shall be intended or implied.

(12) Services provided hereunder by (State agency) shall be in accordance with the following general provisions:

(a) No member of or delegate to Congress, or resident commissioner, shall be admitted to any part or share of this contract, or to any benefit that may arise herefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit;

PLATE 86-3-40B.1 (cont.)

(12) (b) (State agency) warrants that no person or selling agency has been employed or retained to solicit or secure this agreement upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by (State agency) for the purpose of securing business. For breach or violation of this warranty, the Government shall reserve the right to annul this agreement without liability or to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

(c) The parties to this contract act in an independent capacity in the performance of their respective functions under the provisions of this contract, and neither party is deemed the officer, agent, or employee of the other. (NOTE: Other provisions may be added as necessary.)

(13) This agreement shall go into force thirty (30) days after signing by both parties to the agreement.

_____	_____
(name and title, U.S. Coast Guard)	(name and title, State agency)
_____	_____
(date)	(date)

PLATE 86-3-40G.1

Pollution Response Flow Diagram

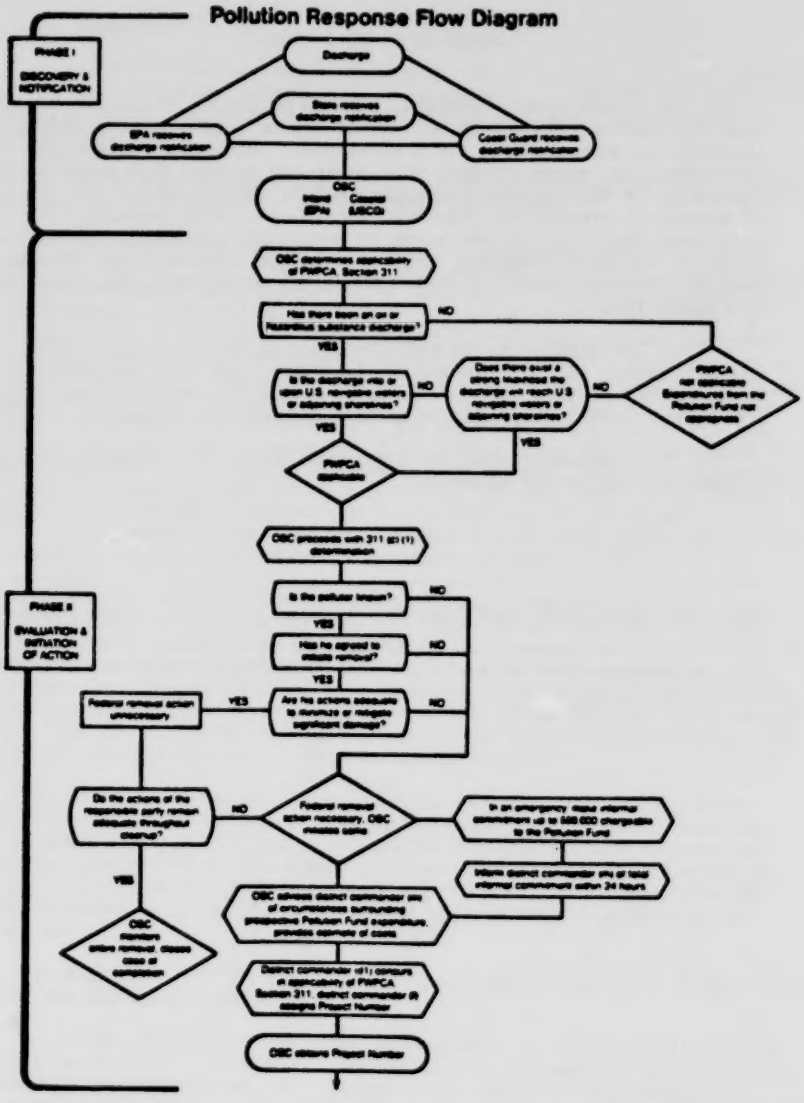
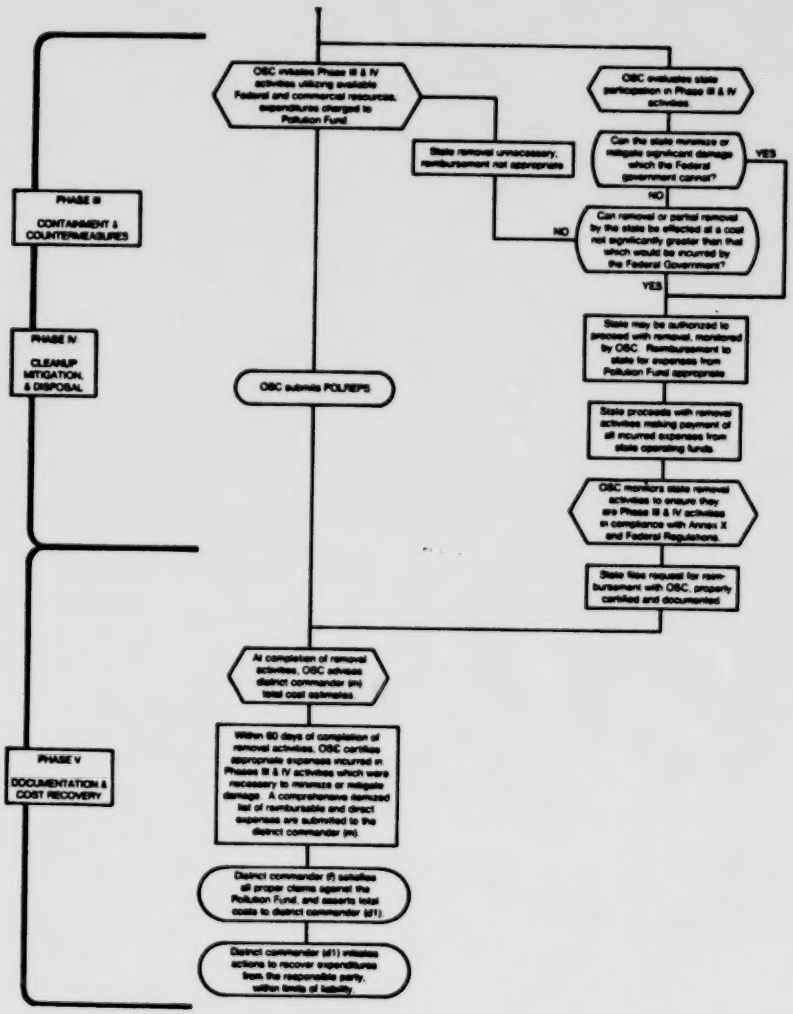

PHASE I
DISCOVERY & NOTIFICATION
Discharge
State receives discharge notification
EPA receives discharge notification
Coast Guard receives discharge notification
OSC
Inland EPA
Coastal USCG
OSC determines applicability of FWPCA Section 311
Has there been an on or Hazardous substance discharge?
NO
YES
Is the discharge into or upon U.S. navigable waters or adjoining shorelines?
NO
Does there exist a strong likelihood the discharge will reach U.S. navigable waters or adjoining shorelines?
NO
FWPCA not applicable. Expenditures from the Pollution Fund not appropriate.
YES
FWPCA applicable
YES
OSC proceeds with 311 (n) (1) determination
PHASE II
EVALUATION & INITIATION OF ACTION
Is the pollutor known?
NO
YES
Has he agreed to initiate removal?
NO
YES
Federal removal action unnecessary
YES
Are his actions adequate to minimize or mitigate significant damage?
NO
Do the actions of the responsible party remove pollutant throughout discharge?
NO
Federal removal action necessary, OSC initiates same
In an emergency, obtain informal commitment not to exceed $50,000 chargeable to the Pollution Fund
Inform district commander any of listed informal commitment within 24 hours
YES
OSC monitors entire removal. Closes case at completion
OSC advises district commander and of circumstances surrounding prospective Pollution Fund expenditure, provides estimate of costs
District commander (d1) concurs in applicability of FWPCA Section 311, district commander (f) assigns Project Number
OSC obtains Project Number

PLATE 86-3-40G.2

Pollution Response Flow Diagram — Continued


PHASE III
CONTAINMENT & COUNTERMEASURES
PHASE IV
CLEANUP MITIGATION & DISPOSAL
PHASE V
DOCUMENTATION & COST RECOVERY
OSC initiates Phase III & IV activities utilizing available Federal and commercial resources, expenditures charged to Pollution Fund
State removal unnecessary, reimbursement not appropriate
OSC evaluates state participation in Phase III & IV activities
Can the state minimize or mitigate significant damage which the Federal government cannot?
YES
NO
Can removal or partial removal by the state be effected at a cost not significantly greater than that which would be incurred by the Federal Government?
NO
YES
State may be authorized to proceed with removal, monitored by OSC. Reimbursement to state for expenses from Pollution Fund appropriate
State proceeds with removal activities making payment of all incurred expenses from state operating funds
OSC monitors state removal activities to ensure they are Phase III & IV activities in compliance with Annex X and Federal Regulations
State files request for reimbursement with OSC, properly certified and documented
OSC submits POLREPS
At completion of removal activities, OSC advises district commander (m) total cost estimates
Within 60 days of completion of removal activities, OSC certifies appropriate expenses incurred in Phases III & IV activities which were necessary to minimize or mitigate damage. A comprehensive itemized list of reimbursable and direct expenses are submitted to the district commander (m).
District commander (f) satisfies all proper claims against the Pollution Fund and asserts total costs to district commander (d1)
District commander (d1) initiates actions to recover expenditures from the responsible party, within limits of liability

☆U.S. GOVERNMENT PRINTING OFFICE: 1980 O— 324-290

JAN 28 1981
334-906 Item 934-A TD 5.8:Sa1/2/v.6/ch.7
Copies 271 & Cortin
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DEPARTMENT OF TRANSPORTATION
UNITED STATES COAST GUARD

MAILING ADDRESS:
U.S. COAST GUARD (G-MP-5)
WASHINGTON, D.C. 20590
PHONE: (202) 426 9776

COMDTNOTE 16000
3 DEC 1980

COMMANDANT NOTICE 16000

CANCELLED: 3 JUN 1981

Subj: CH-7 to Volume VI - PORTS AND WATERWAYS ACTIVITIES of the Marine Safety Manual, COMDTINST M16000.3 (old CG-495)

1. PURPOSE. This Notice transmits a change to Volume VI of the Marine Safety Manual by revising rates used to calculate Federal response costs during pollution incidents.

2. DIRECTIVES AFFECTED. None.

3. ACTION.

   a. Remove and insert the following pages:

Remove	Insert
86-3:33 thru 86-3:36, CH-6	86-3:33 thru 86-3:36, CH-7 (1) Form CG-5122 Self-mailer

   b. Make an entry on the "Record of Changes" page.

4. CHANGES. Suggestions for improvements to the Marine Safety Manual should be made on Form CG-5122.

K. G. WILMAN
Captain, U.S. Coast Guard
Acting Chief, Office of Marine
Environment and Systems

Encl: (1) CH-7 to Volume VI, COMDTINST M16000.3

DISTRIBUTION - SDL No. 112

	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
A									1	1	1	1														
B	*	4	15*		2		2	*		5				200	1		2	1								
C	1	1			*		2		*			2	*													
D	1	2		1							1*	*													1	
E		2											2	2	*				1							
F	1		1							1									24							
G																										
H																										

NON-STANDARD DISTRIBUTION: (see page 2)

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C:i Pago Pago only (1).
C:m New Orleans (120); Seattle (35); Philadelphia (32); Long Beach (25); Houston (24); New York (22); St. Ignace (8); Rotterdam (6).
D:k New York (3); Jacksonville, Houston, New Orleans, San Francisco (1)(extra).
D:l CG Liaison Officer, NWC only (1).
E:o New Orleans (40); Long Beach (25); New York (15); Houston (14); Philadelphia, Sault Ste. Marie (6); Seattle (5); New Haven, New London, Muskegon, Monterey (4); Humboldt Bay (2).

Panama Canal Zone Liaison Officer (1).
DOJ Torts Branch (New York, Washington D.C., San Francisco) (1).
NTSB (Marine Accidents Division) (2).

PLATF 86-3-25F(1).2

HOURLY STANDARD RATES FOR CUTTERS

CUTTER	PERSONNEL	FUEL	MAINTENANCE	DEPRECIATION
WHEC 378'	$721	$134	$459	$53
327'	662	145	378	10
311'	612	66	258	10
WMEC 230'	378	35	107	12
213'	323	51	165	10
210'	327	47	155	18
205'	340	35	151	19
143'	212	18	75	5
WAGB 399'	640	263	528	377
310'	897	188	915	26
290'	496	149	1051	26
269'	714	204	657	26
WPB 95'	64	14	58	2
82'	34	13	47	2
WTGB 140'	84	34	41	19
WYTM 110'	89	20	111	4
WYTL 65'	21	7	40	1
WLB 180'	203	27	154	6
WLM 175'	194	27	300	4
157'	147	29	181	4
133'	93	19	106	4
WLI 100'	63	9	83	2
WLI 65'	26	9	80	2
WLR 114/115'	80	30	54	1
80/75/65'	81	21	68	1
WLR (ANFAC)	43	17	20	1
WLIC 160'	63	10	60	1
75'	55	7	63	1

NOTE: Personnel rates are based on an eight-hour workday. Therefore, for claims covering more than eight hours of continuous employment, personnel costs will be charged for only the first eight hours of employment in each consecutive 24-hour period. The charges for fuel and other costs shall be applied for every hours of use or major fraction thereof. The total charge shall be determined by obtaining a sub-total using columns 1, 2, and 3; increasing the sub-total by 23% to compensate for overhead expenses; and adding the depreciation charge from column 4.

PLATE 86-3-25F(1).3

HOURLY STANDARD RATES FOR SMALL BOATS

BOAT	PERSONNEL	FUEL	MAINTENANCE	DEPRECIATION	BOATS INCLUDED W/IN TYPE
MLB 52'	$ 21	$ 5	$ 84	$ 1.14	52' MLB
44'	16	4	43	.88	44' MLB
36'	11	2	29	.24	36' MLB
UTB	16	5	36	.31	41, 40' UTB
UTM	11	3	26	.29	30' UTM
UTL	8	1	16	.06	17, 16, 15' UTL
ANB	13	3	52	4.55	55' ANB
TANB	13	3	21	.77	21' TANB
MCB/ML	8	1	25	.03	26, 25, 24' MCB; 27, 26, 25' ML; Motor Whaleboat; all other boats 24-36'
MSB/MRB	7	1	14	.29	25' MSB; 22' MRB
TICWAN	11	3	17	.07	21, 19' TICWAN
BU	16	4	23	.59	60, 50, 46, 45, 43, 40' BU
ICWAP	16	4	27	1.29	53' ICWAB
LCVP	13	4	48	.08	36, 35' LCVP
LCM/CB	16	5	44	.09	64, 56, 50' LCM; all other boats above 36'
LARC*	8	3	57	.36	35' LARC
PSB	11	2	17	.42	31' PSB
PWB	11	1	5	2.96	32' PWB
SKIFF	8	1	1	.02	all SKB, SKM, SKL
MCPL/MLC	8	1	31	.02	20' MCPL, ML, MLC; all other boats less than 24'

*In addition to other charges, add $11.00 to recover the cost of labor involved in required post-operation maintenance.

NOTE: The total charge shall be determined by obtaining a sub-total of columns 1, 2, and 3; increasing the sub-total by 23% to compensate for overhead expenses; and adding the depreciation charge from column 4.

PLATE 86-3-25F(1).4

HOURLY STANDARD RATES FOR AIRCRAFT

AIRCRAFT TYPE	PERSONNEL	FUEL	MAINTENANCE	DEPRECIATION
HC-130	$142	$410	$662	$13
HC-131	69	154	366	1
HU-16E	69	77	786	3
HH-3F	118	103	841	9
HH-52A	55	39	451	3

NOTE: The total charge is to be determined by obtaining a sub-total using columns 1, 2, and 3, increasing the sub-total by 23% to compensate for overhead expenses, and then adding a charge for depreciation in accordance with column 4.

PLATE 86-3-25F(1).5

STANDARD RATES FOR VEHICLES

Charge for vehicles including commercial, GSA, and USCG-owned will include the costs listed below on Charge List for Vehicles.

CHARGE LIST FOR VEHICLES
Charges are marked by (X)

Source of Vehicle Used	(1) Actual Cost of Rent for Vehicles	(2) All Actual Operating and Maintenance Cost	(3) Actual Personnel Cost "A"	(4) Travel and Per Diem	(5) Overhead and Administration Expenses 25% of 1, 2, 3, & 4	(6) Depreciation "B"
Commercial Rental	X	X	X	X	X	
"C"	X		X	X	X	
USCG-Owned		X	X	X	X	X

NOTE "A":
Personnel costs include base pay, subsistence, BAQ, enlisted clothing maintenance, and government contribution to social security

Add all of these costs together and divide by 2,920 hours (365 days x 8 hours) for an hourly rate. Charges are made for each hour or major fraction thereof for the first eight hours of a 24-hour period. If the actual personnel costs cannot be determined, use standard personnel rates from TABLE 86-3-25D(1).6.

NOTE "B":
Depreciation is calculated as follows:
1. Take the acquisition cost of the vehicle.
2. Divide this cost by the estimated number of years the vehicle was expected to last on its purchase date.
3. Divide the figure from (2) by 8,760 hours (365 days x 24 hours) for the hourly rate.
4. Multiply the hourly rate by the number of hours the vehicle was used.

NOTE "C":
For this type, use GSA lease rates as published.

CH-7.

PLATE 86-3-25F(1).6

STANDARD RATES FOR PERSONNEL
STANDARD MILITARY CONPENSATION RATE

Grade	Rank	Hourly	Daily	Weekly	Monthly	Yearly
06	Captain	$15.60	$124.80	$624.00	$2,705.04	$32,460.00
05	Commander	12.80	102.40	512.00	2,219.52	26,634.00
04	Lieutenant Commander	10.75	86.00	430.00	1,864.05	22,369.00
03	Lieutenant	9.35	74.80	374.00	1,621.29	19,455.00
02	Lieutenant Junior Grade	7.35	58.80	294.00	1,274.49	15,294.00
01	Ensign	5.65	45.20	226.00	979.71	11,756.00
W4	Warrant Officers	10.45	83.60	418.00	1,812.03	21,744.00
W3		8.85	70.80	354.00	1,534.59	18,415.00
W2		7.55	60.40	302.00	1,309.17	15,710.00
E9	Enlisted Members	8.75	70.00	350.00	1,517.25	18,207.00
E8		7.65	61.20	306.00	1,326.51	15,918.00
E7		6.55	52.40	262.00	1,135.77	13,629.00
E6		5.65	45.20	266.00	979.71	11,756.00
E5		4.75	38.00	190.00	823.65	9,884.00
E4		3.85	30.80	154.00	667.59	8,011.00
E3		3.70	29.60	148.00	641.58	7,699.00
E2		3.45	27.60	138.00	598.23	7,179.00
E1		3.10	24.80	124.00	537.54	6,450.00

NOTE:

1. Compensation Rate includes Base Pay, BAS, BAQ, Clothing Maintenance, FICA and SGLI.
2. These rates are reproduced from USCG Comptroller Manual, 1E01006. Changes to the Comptroller Manual shall supercede these rates.

DEPARTMENT OF TRANSPORTATION,
U. S. COAST GUARD
CG-5122 (5-77)

SUGGESTION FOR IMPROVEMENT TO THE MARINE SAFETY MANUAL, CG-495

INSTRUCTIONS

Think out your suggestion thoroughly and describe it fully. Give careful consideration to whether your suggestion has local, Coast Guard-wide or broad marine safety application. You may wish to discuss your suggestion with appropriate supervisors and other personnel.

FROM: *(Unit Name and Address)*

NATURE OF SUGGESTION

☐ ADDITION ☐ CORRECTION

☐ DELETION ☐ OTHER *(Specify)*

SUGGESTION: Explain your proposal in sufficient detail so reviewing officers will know exactly what you are proposing. Specify if your proposal has local, Coast Guard-wide or broad marine safety application. Cite the specific section(s) of the manual you are commenting on and specify the benefits of your suggestion. *(If more space is needed, continue on extra sheet).*

SEAL

SEAL

SIGNATURE *(Title and Grade)*

DATE

SEAL

353-780 SEP 1 1981 9354 TD 5.8:Sa1/2/V.6/ch.8

DEPARTMENT OF TRANSPORTATION
UNITED STATES COAST GUARD

MAILING ADDRESS:
U.S. Coast Guard (G-MP-4)
Washington, D.C. 20593
Phone: 202-426-9776

COMDTNOTE 16000

10 AUG 1981 9354

• COMMANDANT NOTICE 16000 CANCELLED: 10 FEB 1982

Subj: CH-8 to Volume VI - PORTS AND WATERWAYS ACTIVITIES of the Marine Safety Manual, COMDTINST M16000.3

1. PURPOSE. This Notice changes Volume VI - PORTS AND WATERWAYS ACTIVITIES of the Marine Safety Manual by revising parts 80-2, 80-4 and 80-5 to the volume.

2. SUMMARY OF CHANGES.

   a. Table 80-2-5A(2).1 has been revised to show changes in aerial pollution surveillance patrol requirements.

   b. Subpart 80-4-15 provides new guidance for advance notices of arrival.

   c. Subpart 80-5-10 delegates to COTP's authority to approve foreign flag vessel layup proposals.

3. ACTION.

   a. Remove and insert the following pages:

Remove	Insert
80-2:7 through 80-2:10	80-2:7 through 80-2:10, CH-8
80-4:1 through 80-4:7	80-4:1 through 80-4:9, CH-8
80-5:1 and 80-5:2	80-5:1 and 80-5:2, CH-8

   b. Make the following pen and ink corrections:

      (1) On contents page 80-0:3 and on page 80-11:1, delete "MARINAS" and insert "RESERVED".

      (2) On contents page 84-0:1 and on page 84-4:1, delete "LOGBOOK REQUIREMENTS RELATED TO OCEAN DUMPING" and insert "RESERVED".

DISTRIBUTION - SDL No. 113

	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
A																										
B	*	4	15*		2		2	*		5				200	1		2	1								
C	1	1			*		2		*			2	*												1	
D	1	2		1							1*	*														
E		2											2	2	*				1							
F	1		1							1									24							
G																										
H																										

• NON-STANDARD DISTRIBUTION: (see page 2)

3. c. Make an entry on the "Record of Changes" page at the front of the volume.

4. CHANGES. Recommendations for improvement of the Marine Safety Manual should be made on Form CG-5122.

W. E. Caldwell

W. E. CALDWELL
Chief, Office of Marine
Environment and Systems

Encl (1) CH-8 to Volume VI, COMDTINST M16000.3

Non-Standard Distribution:

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B:h Alameda only (2).
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C:i Pago Pago only (1).
C:m New Orleans (140); Seattle (35); Philadelphia (32); Long Beach (25); Houston (24); New York (22); St. Ignace (8); Rotterdam (6).
D:k New York (3); Jacksonville, Houston, New Orleans, San Francisco (1)(extra).
D:l CG Liaison Officer, NWC only (1).
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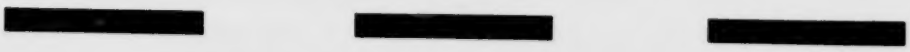
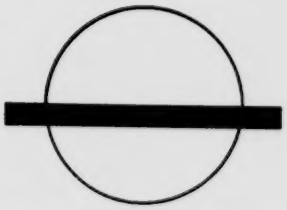
Panama Canal Zone Liaison Officer (1).
DOJ Torts Branch (New York, Washington D.C., San Francisco) (1).
NTSB (Marine Accidents Division) (2).
ABS (1).
MSC (M-22) (1).

PLATE 80–2–10D (1).1

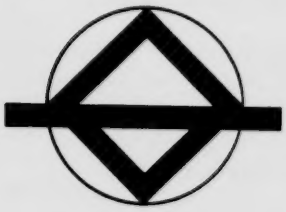
DECK LINE REFERENCE MARK



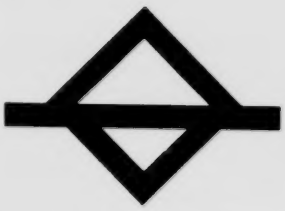
LOAD LINE PLIMSOLL MARK



Domestic/Foreign Voyages



Variance for Steam Colliers/Barges and Self–propelled Barges



Great Lakes Voyages

TABLE 80-2-5A(2).1

AERIAL POLLUTION SURVEILLANCE PATROL REQUIREMENTS.

The following schedule is to be implemented to the maximum extent possible with resources available:

AIR STATION	PATROL AREA	PATROL FREQUENCY
CAPE COD	Coastal Martha's Vineyard to Portland, Maine	2/mo.
	Coastal (3 miles offshore) Martha's Vineyard to Cape Henry, VA. and return (9 miles offshore)	1/wk.
	Portland Harbor	2/wk.
	Boston Harbor	2/wk.
	Providence Harbor	1/wk.
BROOKLYN	Long Island Sound	2/wk.
	New Haven Harbor	1/wk.
	New York Harbor	6/wk.
	Hudson River to and including Albany Harbor	2/mo.
	Brooklyn coastal to Cape May, return via Delaware Bay and River to Trenton, NJ	2/mo.
CAPE MAY	Delaware Bay and River to Trenton, NJ	3/wk.
	Upper Chesapeake Bay, Bay Bridge to C&D Canal, and Baltimore Harbor	3/wk.

ELIZABETH CITY	Elizabeth City via ICW to Norfolk Harbor, patrol Norfolk Harbor.	2/wk.
	Lower Chesapeake Bay to Bay Bridge, to Cape Henry, coastal to Corolla Light, return to Elizabeth City.	1/wk.
	Corolla Light coastal to Morehead City, patrol Morehead City/Beaufort Habor, return via Bogue Sound, Core Sound, Pamlico Sound and Albermarle Sound. (On alternate weeks return from Morehead City via ICW Alligator River).	1/wk.
SAVANNAH	Jacksonville Harbor (coordinate with Air Station St. Petersburg-Clearwater).	2/mo.
MIAMI	Coastal Miami to West Palm Beach	2/wk.
	Port Everglades Harbor, Miami Harbor, and connecting Intracoastal Waterway.	2/wk.
	Coastal Miami to Key West.	4/wk
BORINQUEN	San Juan Harbor	2/wk.
ST. PETERSBURG-CLEARWATER	Tampa Bay/Harbor and Egmont Anchorage	2/wk.
	Jacksonville Harbor (coordinate with Air Station Savannah).	2/mo.
MOBILE	Mobile Bay	1/wk.
NEW ORLEANS	New Orleans Harbor	4/wk.
	Baton Rouge	2/wk.
	Lake Charles	1/wk.
HOUSTON	Beaumont Harbor & Port Arthur Harbor.	2/wk.
	Houston Harbor/Ship Cannel	4/wk.
	Galveston Bay including Texas City Harbor	1/wk.

CORPUS CHRISTI	Coastal Corpus Christi to Mobile, RON and return (one leg may be flown over high risk inland water areas).	1/wk.
	Corpus Christi Harbor	2/wk.
TRAVERSE CITY	Three western Great Lakes shipping lanes during navigation season.	2/mo.
DETROIT	Detroit Harbor/River, Lake St. Clair and St. Clair River.	2/wk.
CHICAGO	Chicago Habor	2/wk.
SAN DIEGO	Coastal San Diego to Pt. Conception (coordinate with Air Station Los Angeles).	2/mo.
	San Diego Harbor	2/wk.
LOS ANGELES	Santa Barbara Channel (coordinate with Air Station San Diego).	2/mo.
	Los Angeles/Long Beach Harbor	2/wk.
SACRAMENTO	Coastal San Francisco to Pt. Conception.	2/wk.
SAN FRANCISCO	San Francisco Bay	2/wk.
ARCATA	Coastal Arcata to Punta Gorda	1/wk.
NORTH BEND	North Bend to Port Orford	1/wk.
ASTORIA	Columbia River to and including Portland Harbor	1/wk.
PORT ANGELES	U.S. waters of Puget Sound/Strait of Juan De Fuca including major port areas.	2/wk.
KODIAK	Coastal area around Kodiak Island during fishing season.	1/wk.
	Cook Inlet	2/mo.
	Valdez Harbor	2/mo.
BARBERS POINT	Honolulu Harbor	2/wk.

PART 80-4--VESSEL MOVEMENT CONTROL AND ADMINISTRATION

80-4-1. INTRODUCTION.

This part outlines procedures to be used by the captain of the port in fulfilling his responsibilities under the Magnuson Act (50 U.S.C. 191) and the Ports and Waterways Safety Act (33 U.S.C. 1221-1227) with regard to the movement of any vessel in U.S. waters. These procedures apply to all vessels, domestic and foreign, within each COTP area of jurisdiction. Since the greatest threats to the preservation of the port usually occur with the transport of hazardous materials, the COTP should generally concentrate his efforts on that phase of waterborne traffic. However, he is equally responsible for enforcement of anchorage and navigation laws which extend beyond the commercial community. Consequently, COTP boarding and inspection teams must be equally alert to all violations of maritime laws and regulations.

Title 33, Code of Federal Regulations (CFR), part 6, delineates general regulations for the protection and security of vessels, harbors, and waterfront facilities. Sections 6.04-1 and 6.04-8 authorize the COTP to control the movement of any vessel, within the territorial waters of the U.S. under his jurisdiction, whenever such action is necessary to prevent damage or injury to any vessel or waterfront facility or waters of the U.S., or to secure the observance of rights and obligations of the U.S.

Sections 101(3) (4) and (8) of Title I of the Ports and Waterways Safety Act state that:

". . . the Secretary of the Department in which the Coast Guard is operating may. . .

(3) control vessel traffic in areas which he determines to be especially hazardous, or under conditions of reduced visibility, adverse weather, vessel congestion, or other hazardous circumstances by-

(i) specifying times of entry, movement, or departure to, from, within, or through ports, harbors, or other waters;
(ii) establishing vessel traffic routing schemes;
(iii) establishing vessel size and speed limitations and vessel operating conditions; and
(iv) restricting vessel operation, in a hazardous area or under hazardous conditions, to vessels which have particular operating characteristics and capabilities which he considers necessary for safe operation under the circumstances;

(4) direct the anchoring, mooring, or movement of a vessel when necessary to prevent damage to or by that vessel or her cargo, stores, supplies, or fuel;

(8) establish water or waterfront safety zones or other measures for limited, controlled, or conditional access and activity when necessary for the protection of any vessel, structure, waters, or shore area. . ."

These broad responsibilities and powers manifest themselves in many aspects of vessel control, including anchorage enforcement, safety/security zones, and vessel traffic services and systems, in addition to the specific regulations

and procedures concerning advance notice of arrival, vessel boarding, vessel inspection, and compliance vessel inspection discussed elsewhere in this manual. Chapter 81 of this manual addresses vessel traffic management and services.

80-4-5. CONSIDERATIONS IN EXERCISING AUTHORITY FOR VESSEL MOVEMENT CONTROL AND ADMINISTRATION

80-4-5A. GENERAL

Title I of the PWSA serves an important dual purpose. First, it bolsters Coast Guard authority and capability to adequately handle current problems in marine safety and water pollution; second, it provides the permanent statutory basis for the Coast Guard's port safety program. The purpose of the statute is to prevent damage to, or the destruction or loss of, any vessel, bridge, or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to those waters; and to protect the navigable waters and the resources therein from environmental harm resulting from damage to the vessel or shore structures.

33 CFR 160 was developed to implement portions of the PWSA by delegating to district commanders and COTP's or their authorized representatives the necessary authority to handle emergency or temporary situations. Effectively, the Commandant has assigned to the field level the authority to (1) temporarily control vessel traffic in especially hazardous areas or during hazardous circumstances, and (2) direct the movement of a vessel when necessary to prevent damage to or by that vessel. The general thrust of 33 CFR 160 is to allow for field level controls that, if not applied when necessary, would result in an unacceptable hazard to property or the environment. These controls do not include establishment of safety zones under the PWSA. Establishment of safety zones will be the subject of future regulations.

The authority under the PWSA and implementing regulations is delegated jointly to district commanders and COTP's. Under normal circumstances the COTP will issue orders and directives, and they should not emanate from a level below the COTP or his designated representative. The district commander will exercise his authority for the purpose of coordinating promulgation of an order that may affect several COTP's within his district or when, due to the absence of the COTP, he deems it advisable to assume the duties of the COTP.

80-4-5B. GUIDELINES

In carrying out the intent of Title I of the PWSA and the regulations issued under the act's authority, district commanders and COTP's shall observe the following as a guide:

(1) In the application of the regulations, consideration must be given to the impact that specific courses of action are likely to have on safety, the environment, the economy, and public/industry relations. Enforcement officials must be thoroughly familiar with the provisions of the regulations and must receive additional instructions and guidance when considered necessary.

(2) It is to be emphasized that these regulations apply only to emergency or temporary situations.

(3) All relevant factors must be evaluated when considering the need for and the degree of vessel traffic control or restrictions of individual vessel movements. Where a vessel traffic service has been established, it is mandatory that the control of vessel traffic be coordinated through this service. Major factors to be considered for both the transit route and the port area proper include but are not limited to:

(a) Public activity in the proximity of the hazard;
(b) Conditions of weather, visibility, tide, current, high water, low water, etc.;
(c) Vessel controllability/maneuverability;
(d) Any impairment to vessel or cargo which may affect the safe transit of the vessel;
(e) The nature of the vessel's cargo and the cargo characteristics;
(f) Vessel conditions (draft, fire, flooding, navigational equipment status, etc.);
(g) Channel conditions (physical limits, status of bridges and aids to navigation, traffic density, etc.);
(h) Anchorage areas and conditions of anchorage;
(i) COTP's personal knowledge of the area;
(j) Recommendations of local experienced civilian experts (pilots, port authority, etc.);
(k) Channel data hydrographic features as available from the U.S. Army Corps of Engineers.

(4) After a thorough consideration of the transit route and the port area, the following modes of traffic control should be considered:

(a) Establishing vessel traffic routing schemes;
(b) Establishing vessel size and speed limitations;
(c) Restricting traffic movement to those vessels with operating conditions or characteristics considered necessary in the particular area of hazard or under other specific conditions;
(d) Requiring vessels to be assisted by tugboats;
(e) Restricting traffic to one direction;
(f) Restricting traffic to certain times.

(5) The COTP must be specific when issuing orders or directions for the control of vessel traffic, especially with regard to:

(a) The time the vessel is permitted to enter the area;
(b) The time the vessel is permitted to depart any area or shift berth;
(c) The route the vessel is to follow;
(d) Any other specifications necessary to eliminate all ambiguity to permit the safe transit of a vessel (such as providing a Coast Guard escort).

(6) All necessary means must be employed to ensure that those persons to whom any order is directed have sufficient knowledge of the order issued for effective compliance with that order. Methods of notification include:

(a) Waterside/shoreside marine safety patrols (this usually is considered the most effective);
(b) Publication of notice to mariners;
(c) Safety broadcasts;
(d) Broadcast notice to mariners;
(e) Informing local news media (radio, television, news papers);
(f) Verbal telephone notification (particularly where limited number of people are involved);
(g) Continuous open communication with pilots and servicing tugs (i.e., docking tugs and docking pilots).

(7) In the event the district commander or the COTP must delegate authority to another level or command to control vessel traffic or direct the movement of a vessel, the delegation must be in writing (message is satisfactory) and must state the specific authority given to the authorized representative. Should the urgency of a situation require verbal designation, this designation must be confirmed in writing at the first opportunity. When an authorized representative has been designated outside the organizational element (e.g., to another command), the public must be apprised of such designation and the specific authority that has been delegated. Notification to the public of this delegation can be accomplished as outlined in paragraph 6 above.

(8) Contingency plans should be developed for the control of vessel movements. District commanders will ensure that rescue coordination center (RCC) procedures exist which furnish COTP's with the current weather forecasts as well as information concerning any occurrences which may affect their area of responsibility.

(9) An appeal of an order issued by the district commander or COTP shall in all cases be routed via the established chain of command (COTP, district commander, Commandant). The order issued shall remain in effect until such time as a decision is made on the merits of the appeal. Methods of appeal are as follows:

(a) An appeal may be made verbally requesting relief from the order;
(b) In the event the appeal is verbal, the appeal must be confirmed in writing;
(c) A response to an appeal may be verbal but shall be confirmed in writing and shall state the reason(s) for granting the appeal or the specific reason(s) for its denial.

(10) Any enforcement action must be coordinated between COTP's, OCMI's and district commanders to achieve an adequate law enforcement program. Various courses of action are available for use against apparent violations of the regulations (including violations of district commander or COTP orders and directions (33 CFR 160.39)), such as:

(a) The initiation of civil penalty proceedings for violations of regulations issued pursuant to Title I or Title II of the PWSA. These proceedings must provide adequate notice and an opportunity to be

heard. (See 33 CFR 1.07.) These proceedings are conducted solely within the Coast Guard unless a refusal to pay an administrative civil penalty necessitates referral to the U.S. attorney for collection.

(b) The initiation of criminal proceedings for violations of the above regulations. Note that in these proceedings the degree of proof must be beyond a reasonable doubt and the offender must be provided with adequate notice of his constitutional rights. These proceedings involve prosecution by the U.S. attorney in a U.S. district court.

(c) The initiation of suspension and revocation proceedings against the holder of a license or a Merchant Mariner's Document under 46 U.S.C. 239 (R.S. 4450) and related sections of Title 52, Revised Statutes. These proceedings shall be consistent with existing instructions and policy and will normally be initiated in lieu of civil or criminal penalty actions against such personnel. However, appropriate civil or criminal proceedings can also be initiated in those cases against other parties, such as owners or foreign masters, who have violated these regulations.

(d) Assuming the COTP issued the movement order pursuant to 33 CFR 160.35 and 33 CFR 6.04-8, the COTP in such a case should cite the owner or the master under 33 U.S.C. 1226 (civil proceedings) and 1227 (criminal proceedings) for violation of the regulations. If sole authority for the order was 33 CFR 6.04-8, civil penalty proceedings are not available but criminal proceedings may be available under 50 U.S.C. 192.

(11) Plate 80-4-1B.1 provides a guide to the systematic analysis of the need for and the degree of vessel traffic control required. While modification will be necessary for application to each port area, the logical, orderly method of analyzing the parameters is universal.

(12) It is the responsibility of the COTP to be familiar with the various informal traffic arrangements in each of the major ship channels in his area of jurisdiction. While no formal vessel traffic scheme may exist in a given port, each port in this country operates within a number of informally acknowledged restraints and practices. While this informal system may involve a number of participants, only a few may be mutually aware of each other's role and their interrelationship to vessel and port safety. Knowledge of these various interacting restraints and practices is invaluable to the COTP in the event emergency or temporary control must be exercised.

80-4-10. VESSEL MOVEMENT CONTROL

80-4-10A. GENERAL

Under authority of Executive Order 10173, the Coast Guard may supervise or control the movement of any vessel within the territorial waters of the United

States when such action is necessary to secure a vessel from damage or injury, or to prevent damage to a waterfront facility. The Commandant has delegated this authority to the COTP (33 CFR 6), who may promulgate orders to move vessels for preventive reasons. Such orders, coordinated with industry and other response agencies, may control traffic in heavily congested areas, the movement of especially dangerous cargoes, or the movement of a vessel afire or otherwise damaged. For example, to prevent damage to a pier or vessel, where either is afire, the COTP may assume actual control of the vessel and may arrange for the engagement of the services of commercial tugs (33 CFR 6.04-8). Appropriate advance contracting authority should be obtained by the COTP from the district commander.

80-4-10B. INCURRING LIABILITY

The Federal Tort Claims Act (28 U.S.C. 2671, et seq.) exempts the U.S. from liability where the loss or damage flows from the exercise of a discretionary governmental function. For example, if exigencies require the movement of a vessel from one location to another, the loss of time or the incurrence of damage caused in the operation in obedience to the movement order cannot be made the basis of a successful claim against the Government. On the other hand, if the owner or master of the vessel refuses to comply with the order, and the COTP undertakes to move the vessel by towing it, for example, to the new location, and the vessel is damaged through negligence in the towing operations, there would be a basis for claim against the Government. (See Dalehite et al. v. United States, 346 U.S. 15 (1953).)

80-4-15. ADVANCE NOTICE OF ARRIVAL

80-4-15A. GENERAL

The advance notice of arrival requirement contained within 33 CFR 161 is the basis for Coast Guard management of vessel movements within U.S. ports and waterways. In a continuing effort to ensure the safety and security of vessels, ports, and the marine environment, this advance notice provides the COTP with information on which to base decisions. The master or agent of each registered U.S. vessel and all foreign vessels is required to give a 24-hour advance notice to the COTP for every U.S. port or place of arrival. Exceptions to the 24 hour advance notice of arrival regulation are noted in 33 CFR 161.1. Advance notice of arrival given in accordance with 33 CFR 161, Subpart A should not be construed as compliance with the requirements for vessels participating in a vessel traffic services system established in accordance with 33 CFR 161, Subpart B. Advance notice of arrival requirements for vessels transiting the St. Lawrence River or the Great Lakes are found in 33 CFR 161.9. Advance notice requirements for arriving and departing vessels carrying specified dangerous cargoes are found in 33 CFR 161.11 and 33 CFR 161.13. Advance notice requirements for vessels having experienced a hazardous condition as defined in 33 CFR 161.3(d) are found in 33 CFR 161.15. The maximum civil penalty for failure to give required advance notice of arrival is $25,000 (see Title I of the PWSA).

80-4-15B. ADVICE TO INDUSTRY ON ADVANCE NOTICE REQUIREMENTS

The COTP shall advise agents, shipping associations and companies, and other commercial agencies concerned with merchant vessel operations that an advance notice of arrival from vessels destined for ports within the United States is required under 33 CFR 161, Subpart A. This advance notice may be given in a phone call, letter, message, or other method acceptable to the COTP by the owner, agent, master, or person in charge of a vessel. This advance notice must be given in addition to the notice required for a vessel traffic services system under 33 CFR 161, Subpart B. The shipping industry should also be advised that any vessel which arrives without having complied with this requirement may be subjected to boarding, search, and penalty action as necessary to protect the interests of the United States. The authority for this requirement is 33 U.S.C. 1223(a)(5).

80-4-15C. ADVANCE NOTICE AND THE MARINE SAFETY INFORMATION SYSTEM

The advance notice requirements also serve as a part of the Marine Safety Information System (MSIS). Utilizing the compiled 24-hour advance notice of arrival data, a COTP is able to request, via the MSIS terminal, violation histories of particular vessels. This will assist him in better management of his resources, in that he may direct boarding teams to those vessels having histories of unsafe operation (see part 10-2 for a full description of (MSIS).

80-4-20. SOURCES OF INFORMATION

The COTP must establish liaison and arrange to obtain information relative to anticipated arrival of vessels from the following sources:

- o Commercial shipping agents;
- o Pilot associations;
- o Newspapers and maritime underwriters;
- o Shipping associations and companies;
- o Maritime terminal operators;
- o Local shippers and consignees;
- o U.S. Customs Service;
- o Immigration and Naturalization Service;
- o Public Health Service;
- o Maritime exchange, if available;
- o Tugboat firms;
- o Any other government agency, private company or person who may be able to furnish information on the subject.

Arrangements should be made, through liaison with pilots, for the pilot who goes aboard a merchant vessel to confirm its identity and to notify the COTP of the existence of any unsafe or suspicious circumstances. In most cases, pilots are well acquainted with vessels which visit the port regularly and can recognize an unsafe or suspicious vessel.

80-4-25. INFORMATION COLLECTION

In addition to the COTP, it is conceivable that other Coast Guard units (e.g., units whose primary responsibility is search and rescue) could receive initial

information in the form of advance notice of arrival reports or vessel safety information from merchant vessels, or requests by vessels for permission to enter ports. Any information received by such units must be forwarded as soon as possible to the district commander or to the cognizant COTP. An adequate communications system and vessel movement watch with effective equipment and qualified personnel must be maintained at each COTP. The purpose of the vessel movement watch is to properly receive and record vessel movement information as above from all sources, in and out of the Coast Guard. In the larger port areas, when manpower permits, this watch must be a continuous 24-hour watch utilizing qualified personnel, preferably second class petty officers or above, under officer supervision. Each report or request concerning vessel movement must be logged at the time received; the log entry must indicate the source of the report or request.

80-4-30. VESSEL LOCATOR

Each COTP should know which vessels operate in his port area, when they are in, and where they are located. As a side benefit to efficient unit management, vessel movement patterns and possible traffic congestion hazards may be readily discerned. From the collected vessel movement information, a daily list of anticipated arrivals of oceangoing vessels must be prepared. The information on this list should then be distributed to all harbor and shoreside patrols, as well as those boarding officers on specific assignments within the port area. These personnel should be required to compare the vessels in port with the list of anticipated arrivals. The primary purpose of harbor patrols is to note and advise the COTP of the presence and location of all vessels within the harbor area, whether at anchorage or on berth. However, all patrol and boarding personnel, both waterside and shoreside, should verify the identity of each vessel. Where practicable, photographs or other vessel identification data are to be used for this purpose. Further, the COTP should establish office procedures for the coordination in collection of this information and for checking the vessels found in port against the list of anticipated arrivals. Additionally, it should be routine procedure for the vessel movement watch to check each reported merchant vessel in Lloyd's Register of Shipping or in Lloyd's Shipping Index.

To facilitate the recording of this information and to provide the current location of vessels for ready reference, a vessel movement status board should be maintained by the vessel movement watch. To be most effective, the vessel location listed on the board could be coded for direct referral to a readily accessible large scale chart nearby of the port area or select segments thereof.

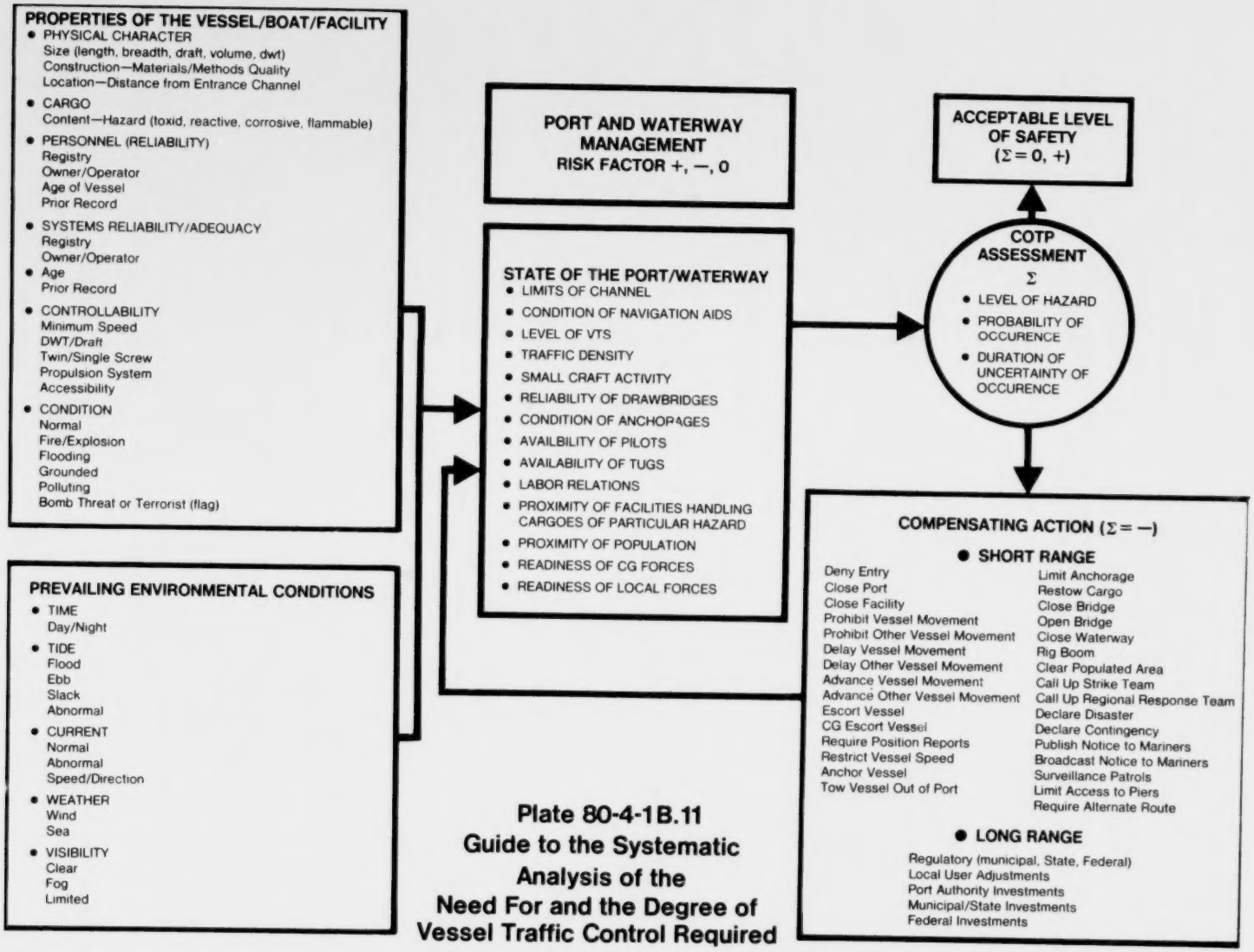


Plate 80-4-1B.11
Guide to the Systematic Analysis of the Need For and the Degree of Vessel Traffic Control Required

PART 80-5--LAYUP OF FOREIGN FLAG VESSELS

In early March 1975, various units of the Coast Guard began receiving inquiries regarding the layup of foreign flag tank vessels in U.S. waters. The content of the inquiries proposed locations from Maine to California for some 60 tank vessels ranging in size from 28,000 to 250,000 dwt. Newspapers and trade publications also indicated a continuing surplus of tank vessels. Consequently, it was anticipated that the owners/operators of foreign flag tank vessels would be expected to try to take advantage of the superior anchorage areas available in U.S. waters.

80-5-5. AUTHORITY

Under the statutory authority of 33 U.S.C. 471, 50 U.S.C. 191 and 33 U.S.C. 1221, the Coast Guard has certain responsibilities regarding the anchorage and movement of vessels; and the protection of vessels, bridges, or other structures on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to those waters. Further, the responsibilities include protecting navigable waters and their resources from environmental harm resulting from vessel or structure damage, destruction or loss.

80-5-10. ADMINISTRATIVE PROCEDURES

The following guidelines shall be used in dealing with a layup proposal. These will aid in insuring that any proposed layup will be safe, environmentally sound, and does not unduly obstruct or restrict the navigable waters. The applicant proposing a layup must submit, in writing, the proposal to the local captain of the port which contains the following information:

- The specific location (anchorage, berth) of the layup(s).

- Assurance that cargo tanks, adjacent cofferdams, ballast tanks, pumprooms, cargo piping systems, and cargo venting arrangements are thoroughly clean and gas-free, and will be maintained gas-free. Initial gasfree certification shall be made by a qualified marine chemist until the condition is stabilized, after which intervals may be lengthened.

- In addition to the evidence of financial responsibility required by the FWPCA, suitable liability insurance for each vessel must be shown.

- Specifications prepared by a qualified marine surveyor as to size and scope of chain, number and size of anchors to be used--dependent on freeboard, depth of water, type of bottom-holding ground and extreme climatic, tidal and current conditions in the area. In areas of doubtful holding ground, a statement of a geologist based on test borings may be required. Safe underkeel clearance must be assured at extreme low tides.

- If a laid-up vessel is to be moored to a waterfront facility, that facility and all dolphins and other shoreside mooring fittings, and the number, size, arrangement and condition of mooring lines shall be certified by a qualified marine surveyor as safe and capable of holding the vessel secure, taking into account freeboard, draft, and extreme climatic, tidal and current conditions in the area.

- Contingency plans for heavy weather, firefighting, tugboats and emergency evacuation of crewmembers.
- Assurance of compliance with sewage disposal regulations.
- Plans for safe fendering.
- Trash and garbage disposal plans.
- Standard and emergency communications plans between shore and ship-keeping crew.
- Possession of current deratting certificate.
- Qualifications of the ship-keeping crew.
- If no live-aboard ship-keeping crew is planned, the applicant must show that periodic visits by competent persons are adequate to assure safety and compliance with U.S. laws.
- Assurance that prescribed navigation lights and shapes will be displayed.
- Proposed duration of the layup(s).
- A statement that the applicant will notify the COTP of a change in flag of registry or a change in ownership of the laid-up vessel.

The Captain of the Port is delegated the authority to approve foreign flag vessel layup proposals. Should there be local objections to the layup of a vessel in a certain area, the COTP must take this into consideration. If deemed advisable, the COTP may hold a public hearing to allow all sides of the issue to be aired.